

# City of Willoughby Hills

## Organizational Meeting of Council

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### Minutes of January 4, 2016

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**Policy No. 2:** All Council Meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened wherever possible.

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Pursuant to Article III, Section 3.23 of the Charter of the City of Willoughby Hills Council Clerk called the Organizational Meeting of Council to Order at 7:00 p.m. on January 4, 2016.

Council Clerk requested all present to please stand for the Pledge of Allegiance.

**Members Present:** Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Councilwoman Janet R. Majka, Vice President John Plecnik

Councilman Plecnik moved to excuse Councilwoman Jennifer Sommers Greer. Councilman Hallum seconded.

**YEAS:** Unanimous.

**Others Present:** Mayor Robert M. Weger

### ORGANIZATION OF COUNCIL

In accordance with Section 3.22 of the City Charter, nominations for President of Council were accepted. Council Clerk informed the Members that nominations do not require a second.

#### President of Council

Councilman Plecnik nominated Councilwoman Fellows for the position of President of Council. Councilwoman Fellows accepted the nomination.

Councilman Hallum nominated Councilman Biro for the position of President of Council. Councilman Biro accepted the nomination.

Council Clerk asked three additional times if there were any other nominations there being none the nominations received were put to a vote of Council in the order in which they were received:

Roll Call taken for the nomination of Councilwoman Fellows to serve as Council President:

**YEAS:** Fellows: yes, Fiebig: yes, Majka: yes, Plecnik: yes

**NAYS:** Biro: no, Hallum: no

Roll Call taken for the nomination of Councilman Biro to serve as Council President:

**YEAS:** Biro: yes, Hallum: yes

**NAYS:** Fellows: no, Fiebig: no, Majka: no, Plecnik: no

**With four affirmative votes received, Councilwoman Fellows will serve as President of Council.**

### **Vice President of Council**

Councilwoman Majka nominated Councilman Plecnik for the position of Vice President of Council. Councilman Plecnik accepted the nomination.

Councilman Hallum nominated Councilman Biro for the position of Vice President of Council. Councilman Biro accepted the nomination.

President Fellows asked three additional times if there were any other nominations there being none the nominations received were put to a vote of Council in the order in which they were received:

Roll Call taken for the nomination of Councilman Plecnik to serve as Vice President of Council:

**YEAS:**           **Fellows: yes, Fiebig: yes, Majka: yes, Plecnik: yes**

**NAYS:**           Biro: no, Hallum: no

Roll Call taken for the nomination of Councilman Biro to serve as Vice President of Council:

**YEAS:**           Biro: yes, Hallum: yes

**NAYS:**           **Fellows: no, Fiebig: no Majka: no, Plecnik: no**

**With four affirmative votes received, Councilman Plecnik will serve as Vice President of Council.**

### **Appointment of Clerk of Council**

In accordance with City Charter, Section 3.25, Councilman Fiebig moved to reappoint Clerk Victoria Savage. Councilman Biro seconded.

**YEAS:**           **Unanimous.**

**By unanimous vote, Clerk Victoria Savage has been reappointed.**

## **COMMITTEES OF COUNCIL**

**Finance:** All matters concerning and affecting revenues of the City including, but without limiting the generality of the foregoing, the receipt and expenditure of funds, salaries of City employees, budgetary matters, tax administration and policy and matters concerning Municipal indebtedness.

Councilwoman Majka nominated Councilman Plecnik to serve as Chair of Finance. Councilman Plecnik accepted the nomination.

President Fellows asked three additional times if there were any other nominations there being none the nomination received was put to a vote of Council.

Roll Call taken for the nomination of Councilman Plecnik to serve as Chair of Finance:

**YEAS:**           **Unanimous.**

**By unanimous vote of Council, Councilman Plecnik will serve as Chair of Finance.**

**Planning & Zoning:** All matters concerning the Planning and Zoning of the City and the Chairman of the Committee shall be a Member of the City Planning and Zoning Commission.

Councilman Plecnik moved to appoint Councilman Hallum to serve as Chair of the Planning and Zoning Committee. Councilman Biro seconded.

**YEAS: Unanimous.**

**By unanimous vote, Councilman Hallum will serve as Chair of Planning & Zoning and shall serve as a Member of the City Planning and Zoning Commission.**

**Councilman Plecnik:** Madame President, so we continue to follow down the list in order of the agenda?

**President Fellows:** Yes, I am following the agenda.

**President Fellows:** I just want to make a notation and we are going to go on to Recreation as well as the other Standing Committees of Council; so a Chairman of the Planning and Zoning Committee of Council you are also a member of the Planning and Zoning Commission. So you have a vote on that commission as well. The individual that ends up being the Chair of Recreation is not appointed with that Chairman position, appointed as a Recreation Commission Member; they do not have a vote on Recreation Commission. They are a liaison between the commission and Council for councilmatic matters that come to us from the Recreation Commission. Just so people are clear on that.

**Recreation:** All matters concerning the development, maintenance and management of public playgrounds and public recreational activities in and for the City.

**Councilman Fiebig:** Does she have to be here to accept the nomination? An individual does not have to be at this meeting to accept a nomination.

Councilman Fiebig nominated Councilwoman Greer to serve as Chair of Recreation. Councilwoman Greer was not present to accept the nomination.

**President Fellows:** She can reject that nomination, when she is here and then we can put it back up.

**Councilman Fiebig:** It was my understanding that she expressed an interest in serving on that committee; that commission so I am fairly certain that she would accept it.

**Councilman Hallum:** I think so too.

**President Fellows:** Are there any other nominations for Recreation?

**Councilman Plecnik:** If I could just say I don't see any harm because obviously Councilwoman Greer can either accept or reject but the last time I spoke with her she did indicate that she was worried that there might be some form of conflict of interest given how involved her husband is with the Boys League for her to be Chair of Recreation but I think that she was under the impression that she was a member of the Commission which obviously is the entity that works very closely so maybe after she fully understands she won't see it as an issue, but I just wanted to flag it for the rest of Council that she may well turn it down.

**Councilman Hallum:** Because she doesn't have a vote, as you said that she doesn't have a vote...so she doesn't have any say.

**Councilman Biro:** But as Rec Committee she does have a vote, no?

**President Fellows:** No, she would be the liaison if the Recreation Commission would come to her with concerns or information that we would need to legislate, say salaries, or...

**Mayor Weger:** Or build a gym....

**President Fellows:** Or if we are looking at changing the fees for the Community Center, things like that; she would bring that to a Recreation Committee of Council to discuss it and then the Committee would come back to the Council as the body; the whole body then to determine what we would do. So she would not be making any direct decisions on the Commission for any types of monies that have to do with anything with the Boys League and the Commission.

**Councilman Biro:** But if it dealt with the Boys League per say in terms of something from Council would she have to recuse herself from that or...I mean since he's involved with Boys League...

**President Fellows:** We have a Memorandum of Understanding with the Boys League....she could, sure.

**Councilman Biro:** She could recuse herself from a vote.... She would deal with that in her committee, Recreation Committee and then she could address it that way.

**President Fellows:** The Committees only bring recommendations to us anyway, as the total body and then if we need to come to a vote that would be specifically aliened or parallel with the Boys League then she could abstain from voting on that.

**Councilman Biro:** Not that there would be any conflict or anything...

**President Fellows:** I don't believe that we've had any in all the years that we've served that I recall anyway, so...

President Fellows asked three additional times if there were any other nominations there being none the nomination received was put to a vote of Council.

Roll Call taken for the nomination of Councilwoman Greer to serve as Chair of Recreation:

**YEAS: Unanimous.**

**By unanimous vote, Councilwoman Greer (if accepted) will serve as Chair of Recreation.**

**Rules and Legislation:** All matters concerning the screening, coordination, form and substance of all proposed legislation and requests therefore, including coordination with the Law Department concerning the preparation of Ordinance and Resolutions and referral of legislation to Standing Committees or presentation to Council for consideration.

Councilman Plecnik nominated President Fellows to serve as Chair of Rules and Legislation. President Fellows accepted the nomination.

President Fellows asked three additional times if there were any other nominations there being none the nomination received was put to a vote of Council.

Roll Call taken for the nomination of President Fellows to serve as Chair of Rules and Legislation:

**YEAS: Unanimous.**

**By unanimous vote, President Fellows will serve as Chair of Rules and Legislation.**

**Safety:** All matters concerning the general safety of the inhabitants of and the property within the City including, but without limiting the generality of the foregoing, matters concerning the safety forces, equipment for safety forces, fire prevention matters and matters concerning regulation of conduct.

Councilman Plecnik nominated Councilman Fiebig to serve as Chair of Safety. Councilman Fiebig accepted the nomination.

President Fellows asked three additional times if there were any other nominations there being none the nomination received was put to a vote of Council.

Roll Call taken for the nomination of Councilman Fiebig to serve as Chair of Safety.

**YEAS: Unanimous.**

**By unanimous vote, Councilman Fiebig will serve as Chair of Safety.**

**Service:** All matters pertaining to the services of the Department of Public Service such as maintenance and repair of streets and other public property.

Councilman Plecnik nominated Councilman Biro to serve as Chair of Service. Councilman Biro accepted the nomination.

President Fellows asked three additional times if there were any other nominations there being none the nomination received was put to a vote of Council.

Roll Call taken for the nomination of Councilman Biro to serve as Chair of Service.

**YEAS: Unanimous.**

**By unanimous vote, Councilman Biro will serve as Chair of Service.**

**Utilities:** All matters concerning the installation, use and regulation of public utilities within the City.

Councilman Plecnik nominated Councilwoman Majka to serve as Chair of Utilities. Councilwoman Majka accepted the nomination.

President Fellows asked three additional times if there were any other nominations there being none the nomination received was put to a vote of Council.

Roll Call taken for the nomination of Councilwoman Majka to serve as Chair of Utilities.

**YEAS: Unanimous.**

**By unanimous vote, Councilwoman Majka will serve as Chair of Utilities.**

**Personnel Relations:** There is hereby established a Personnel Relations Committee of Council which shall be a Standing Committee organized and chosen as provided herein, notwithstanding the provisions of Subsection (c)(1) hereof. Not later than January 31<sup>st</sup>, of each even numbered year, Council shall appoint a Personnel Relations Committee composed of such members as Council shall, by Motion determine. Persons not members of Council may be appointed to serve as members of the Personnel Relations Committee. The members of the Committee may be changed by Motion of Council from time to time as Council shall determine. Subject to the provisions of the City Charter, the Personnel Relations Committee of Council shall consider all legislation concerning relations with City Employees.

**President Fellows:** Next order of business is Personnel Relations. I look for a Motion which will require a second for the Chairman/Chairwoman of Personnel Relations.

Councilman Fiebig nominated Councilman Plecnik.

**President Fellows:** Councilman Fiebig has nominated Council Plecnik for Chair of Personnel Relations, I need a second.

**Councilwoman Majka:** Second.

**Councilman Biro:** Madame President, I think Mrs. Greer showed some interest in that also, Personnel Relations.

**President Fellows:** So are you nominating...

**Councilman Biro:** I am nominating Jennifer Greer for Personnel Relations.

**Councilman Hallum:** Second.

**President Fellows:** And Councilman Hallum seconded.

**Councilman Plecnik:** Madame President...

**Council Clerk:** Motions are done first and then you can make another Motion...

**President Fellows:** Motion and vote first and then another nomination.

**Council Clerk:** It's not a nomination, it's a Motion. Each member is appointed by a Motion. Section 121.01 clearly states: Council shall by motion determine the members.

**President Fellows:** So I have a Motion made by Councilman Fiebig and seconded by Councilwoman Majka to appoint John Plecnik to Personnel Relations. Any discussion on that Motion?

**Councilman Plecnik:** Madame President, I am aware that Councilwoman Greer is very interested in this committee so if I was to be voted in by Council I would certainly appoint her to it. I don't want Councilwoman Greer to be the only person who is not chair of a committee if she ends up turning down Recreation, so I would be open to if its permissible holding off on this vote until the next meeting but if Council does choose to make me the Chair I pledge that I will appoint Jennifer to the Committee because she has expressed a lot of interest in it and I think that she should have the opportunity to serve on the Committee.

**President Fellows:** So actually all members of the Personnel Relations Committee must be voted on by Council. So if the Chairman speaks to individuals that would like to serve then those names would come before Council and Council will vote on each and everyone. So it's not like where say Rules and Legislation, I come to Council Members and ask if you would like to serve and you say you want to serve and then at the next Council Meeting I announce that the members of Rules and Legislation are these Council members. So I get to appoint (choose) my members to other Standing Committees of Council but not to Personnel Relations. Every individual on Personnel Relations Committee has to be vetted and voted on by Council. Per Section 121.01(c)(3) – Personnel Relations and they do not have to be a member of Council, they can be Administration, they can be residents.

**Councilman Biro:** Does this have to be voted on tonight in terms of...

**President Fellows:** Not necessarily our Charter (Administrative Code) states that we should have our Committee Chairs of the Standing Committees of Council in place by the second Council Meeting of the year which would be the 28<sup>th</sup> of January.

**Councilman Biro:** I think that maybe we should just suspend this for now, you know and just have a discussion with her just to see if she would...I'm pretty sure that she showed us an interest in Chairing this, I mean and they're usually the point person in terms of organizing and things like that and so maybe we should have a discussion with her just to check if we have time to do that then you know...because if she rules out Recreation then somebody else has to step up and do Recreation and I mean so I think that it would be in service just to have a discussion with her...

**President Fellows:** She could still be voted on to be on the committee.

**Councilman Hallum:** I think that John has his hands full with Finance as it is, so...

**President Fellows:** Just reminder whoever comes forward with it with the individuals who are interested in Personnel Relations Committee any individual has to be voted on by Council to be on the Committee. It's not that we pick them and talk to them and they agree. So we are going to defer this until the first Regular Council Meeting.

Councilman Biro moved to defer establishing individuals on the Personnel Relations Committee until the first Council Meeting of the year, (January 14<sup>th</sup>). Councilman Hallum seconded.

**YEAS:** Biro: yes, Fellows: yes, Hallum: yes, Majka: yes, Plecnik: yes

**NAYS:** Fiebig: no

**With five affirmative votes, the establishment of the Personnel Relations Committee has been deferred until the first Council Meeting of the year, that being January 14<sup>th</sup>.**

**Working Committee of Council:** the Working Committee of Council shall be comprised of all Members of Council. A meeting of the Working Committee of Council may be called, and shall be subject to, the provisions of Subsection (b) hereof. The Working Committee of Council shall determine its own rules. The Working Committee of Council may consider any matter referred to it by a majority of the Members of Council or by a majority of its Members.

## **COUNCIL REPRESENTATIVES**

### **Chagrin River Watershed Partners Trustee**

Councilman Fiebig nominated Councilwoman Majka to serve as Trustee of the Chagrin River Watershed Partners. Councilwoman Majka accepted the nomination.

President Fellows asked three additional times if there were any other nominations there being none the nomination received was put to a vote of Council.

Roll Call taken for the nomination of Councilwoman Majka to serve as Trustee of the Chagrin River Watershed Partners.

**YEAS:** **Unanimous.**

**By unanimous vote, Councilwoman Majka will serve as Trustee of the Chagrin River Watershed Partners.**

### **Alternate Trustee**

Councilman Plecnik nominated Councilman Biro to serve as Alternate Trustee of the Chagrin River Watershed Partners. Councilman Biro accepted the nomination.

President Fellows asked three additional times if there were any other nominations there being none the nomination received was put to a vote of Council.

Roll Call taken for the nomination of Councilman Biro to serve as Alternate Trustee of the Chagrin River Watershed Partners.

**YEAS: Unanimous.**

**By unanimous vote, Councilman Biro will serve as Alternate Trustee of the Chagrin River Watershed Partners.**

**Alternate Member of the Planning & Zoning Commission as provided by Administrative Code, Chapter 147**

**147.01 COUNCIL MEMBER TO BE ALTERNATE ON PLANNING AND ZONING COMMISSION.**

At the time of the Organizational Meeting provided by Charter Section 3.23, Council shall appoint one of its Members to serve as an alternate to the Council Member appointed to the Planning and Zoning Commission pursuant to Charter. When the Member of Council appointed pursuant to Charter is absent from the City or unable for any cause to perform the duties of a Member of the Planning and Zoning Commission, the alternate Member of Council appointed pursuant to this Section shall have the same powers and perform the same duties as the Council Member appointed pursuant to Charter.

Councilman Hallum moved to appoint Councilman Biro to serve as Alternate Member of the Planning & Zoning Commission as provided by Administrative Code, Chapter 147. Councilman Plecnik seconded.

**YEAS: Unanimous.**

**By unanimous vote, Councilman Biro will serve as the Alternate Member of the Planning & Zoning Commission.**

**Councilman Plecnik:** Madame President, a quick question with respect to the Council Representatives; at least as of last term I served as the Noise Abatement Council Representative, I am not sure if that is something that needs to be renewed at this meeting. If it is I would certainly accept a nomination to continue but I just wanted to flag that it wasn't on the agenda.

**President Fellows:** Yes, we know. We were just going to bring it up at the next Council Meeting, unless you want to do that tonight because we didn't have it on the agenda. I'll make sure that it is on the agenda, John.

**POLICIES OF COUNCIL**

**Policy No. 1. Roll of Council will be by rotating alphabetically each Council Meeting. (1/2/80)**

Councilman Fiebig moved to adopt Policy No. 1. Councilman Hallum seconded.

**YEAS: Unanimous.**

**Policy No. 2. All Council meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened wherever possible. (Revised 1/1/02); (Revised 1/3/08)**

Councilman Fiebig moved to re-instate Policy No. 2 as written for the Policies of Council. Councilman Hallum seconded.

**YEAS: Unanimous.**



**Policy No. 3.** To provide that the Chair be required to recognize the Mayor, permitting him to participate in matters of discussion before the body. (12/9/82)

Councilman Biro moved to adopt Policy No. 3. Councilman Plecnik seconded.

**President Fellows:** One of the things that I wanted to share was that actually this Policy is probably a mute point now as we have had a change in the Charter back in 2008 that states that the Mayor may attend all Council meetings and shall be entitled to a seat with the Council. The Mayor shall not have a vote, but shall have the right to introduce ordinances and resolutions and take part in the discussion of all matters coming before the Council. When requested by the Council, the head of any Municipal department shall attend the meetings of the Council and at such time answer questions put to them by any Council member relative to the affairs of the Municipality under their respective management and control. So because this has actually been in our Charter since 2008 this Policy doesn't really need to be. So actually I would ask that someone entertain a Motion to just delete this Policy.

**Councilman Fiebig:** Madame Chair, I agree with you that it's not needed and I was going to bring that up but can't we just simply vote it down.

**President Fellows:** Yes, so then you would vote no to pass it.

**Councilman Hallum:** I guess before we decide to do that I would like to hear from the Mayor if there is anything that we are missing here as to why this might be necessary.

**Mayor Weger:** No.

**Councilman Fiebig:** It's really not necessary at this point.

**Councilman Hallum:** Yeah, we're not missing anything.

**President Fellows:** The Mayor has the authority by the Charter.

**Councilman Hallum:** That's fine, I just wanted to make sure that we're not missing anything; that's there is a reason for this.

**President Fellows:** Actually the Charter discusses it in more detail than our Policy anyway.

**President Fellows:** Let's take it to a vote. So the motion was made by Councilman Biro, seconded by Councilman Plecnik to adopt Policy No. 3.

**NAYS:** Unanimous.

**Policy No. 4.** No legislation can be considered unless it is presented 48 hours in advance, except when such legislation meets the criteria as emergency legislation. This Rule has no provision for suspension. (9/8/84)

Councilman Biro moved to adopt Policy No. 4. Councilman Fiebig seconded.

**YEAS:** Unanimous.

**Policy No. 5.** Notification of all new City Employees is to be made in writing to the Clerk of Council's Office within 72 hours of hiring. (1/11/96); (Revised 1/3/06); (Revised 1/4/10).

Councilman Biro moved to adopt Policy No. 5. Councilwoman Majka seconded.

**Councilman Fiebig:** I would like to suggest to Council that we change the words “is to” to “shall” to make it more authoritative.

**President Fellows:** Councilman Fiebig is making a motion to change “is to” to “shall”.

**Councilman Fiebig:** Notification of all City employees shall be made in writing to the Clerk of Council’s Office within 72 hours of hiring is what it would read.

**President Fellows:** Need a second.

**Councilman Plecnik:** I would second that motion.

**Councilman Biro:** Don’t we have to vote on the first motion?

**Councilman Plecnik:** I think that you have to vote on the amendment to the motion and then you know what you are voting on for the finale.

**Councilman Biro:** You vote on the Policy itself and then a motion to amend it. Yeah, most likely because one motion supersedes the other, correct.

**President Fellows:** I think that you can actually do it either way but to make it cleaner we want to vote on it and then vote for the amendment.

**Councilman Hallum:** Can I...what is...why do we get this exactly?

**President Fellows:** Good question, so the reason that we do this is because we are responsible for the salaries and wages in terms of the budget so this is information as to who has been hired so we know where individuals are.

**Mayor Weger:** It use to say all safety forces would be introduced to Council and instead of incurring overtime to bring them in special for Council, we changed it in 2010 to say that it only needs to be in writing to Council.

**President Fellows:** So I have a motion....

**Councilman Hallum:** I’m sorry just one more thing...because if that’s the case which makes sense, I can understand that then why are we doing 72 hours notification; isn’t this something that we could put a report together every month and let them put it out there so that we have it as opposed to every 72 hours putting something out there.... I don’t know, I’m just asking the question, is it impactful in any way to just do it that way or it doesn’t matter.

**Mayor Weger:** It doesn’t matter; there’s not that many new employees...

**Councilman Biro:** We’re not hiring a lot...

**Councilman Hallum:** You say that but it seems that we saw a lot of those come out quite a bit last year. So that’s the only reason that I ask.

**Mayor Weger:** It’s not a burden to my office.

**Councilman Hallum:** All right, fair enough, just want to make sure.

**President Fellows:** Councilman do you want to rescind the amendment until we vote on it and then do the motion?

**Councilman Fiebig:** It doesn't matter either way...if you make a motion to amend you can up or down that if Council wishes and then can go ahead and make the vote on the Policy in general.

**Councilman Biro:** I think that in the past though we passed the Policy or passed the initiative and then we amended it second. I think that sounds like a cleaner way of doing it.

**President Fellows:** Well, think about how we do our other motions. If we have a motion on the table and we amend it are we voting on the amendment, then which I think we are?

**Councilman Fiebig:** Yes. You typically would handle it that way.

**President Fellows:** I'm thinking back on how we do our other business. So I have a motion on the floor from Councilman Fiebig to amend Policy No. 5 to read: "Notification of all new City Employees shall be made in writing to the Clerk of Council's Office within 72 hours of hiring."

**Councilman Hallum:** Can I ask one more question about this Mr. Fiebig, is there some reason that.... did something happen that I'm unaware of that requires us to make a change, authoritative change to it? Or is this just a want to have sort of thing?

**Councilman Fiebig:** Is to is just not as strong as shall. Shall is a more authoritative word. Frankly, the Policy of Council to force Administration to do something really doesn't even fit into the Policies of Council. So I think that we are just really sending a message that we would like to be notified of every hire within 72 hours.

**Councilman Hallum:** I was just wondering why the change; we've been getting it anyway with the Policy as written, so I'm just wondering if there is something in the back that I'm unaware of that is prompting a sudden request to change because this has been this way since five years as of last night.

**Councilman Fiebig:** It was revised in 2010.

**Councilman Hallum:** So, I'm okay in changing it if there is reason that we are doing it or if we are doing it just to be doing something then I don't know if it makes sense to just make a change for change sake. I'm just asking a question, I want to know if there is a reason, I want to know what it is so that I can make an educated decision.

**Councilman Fiebig:** To make it more authoritative.

**President Fellows:** So it was brought to my attention that we use "shall" and "may" and other things so that there is continuity in it.

**Council Clerk:** Its continuity, we use it within our ordinances...

**Councilman Hallum:** Fine, that's not what Councilman Fiebig said, he said make it more authoritative, but if it is a continuity issue....

**Council Clerk:** "Shall" does; it's a directive and "may" is you may...

**Councilman Hallum:** I understand when he said authoritative, I thought maybe there was something that I was unaware of that was an issue that we need to address. Doesn't sound like there is any issue but we just want to do it.

**President Fellows:** I need a second.

**Councilman Plecnik:** I second it. If I could just add Madame President, its good legal writing to use the word "shall". Whenever you do a contract you are always going to use the word "shall" as oppose to "will" or "to be" because it recognizes a mandatory term so it's saying what we all believe "to be" to mean but it's just clear its less subject to interpretation.

**Councilman Hallum:** Okay.

**President Fellows:** Any further discussion? So I have a motion from Councilman Fiebig, second from Councilman Plecnik to change "to be" to "shall".

**YEAS: Unanimous.**

**Policy No. 6.** Council shall not expend City funds for any charitable or philanthropic purpose. (4/11/96); (4/11/96); (Revised 1/3/08)

Councilman Biro moved to adopt Policy No. 6. Councilman Hallum seconded.

**President Fellows:** Just so as individuals we can make contributions to any charitable organization that we want we cannot just do that as a body, as one body of Council. So if an organization comes to us and they want City Council to write them a check we cannot do that. Individually we can do that; we cannot do it as a body, it's always been that way. Any discussion?

**Councilman Fiebig:** This was placed as a Policy to avoid any sort of personal influence or feeling like you're obligated to donate or to take collections, even if it was for flowers or certain things. But does this apply also to a 501(c)(3) that I wanted to point out to Council, is that a philanthropic purpose, if we are asking to expend City funds that are going to a 501(c)(3) a nonprofit.

**Councilman Plecnik:** The way that I read this, Councilman Fiebig is it says that it "shall not expend City funds for any charitable or philanthropic purpose. So I think that it prevents us from having a vote of Council to write a check of \$100 from the tax payers but I don't think that there is anything here that would stop us from circulating the hat for boy scout troop or a 501(c)(3). Maybe it would be good to have a policy addressing those issues but I think this is just limited to City funds as I read it.

**Councilman Fiebig:** Do you agree?

**President Fellows:** I agree.

**YEAS: Unanimous.**

**Policy No. 7.** A "reasonable opportunity to hear the public portion" set forth in Chapter 107.08(a) shall be a one-time period of three (3) minutes per person, per meeting. (1/1/02)

Councilman Fiebig moved to adopt Policy No. 7. Councilwoman Majka seconded.

**Councilman Fiebig:** Madame President, it would not have to be in this Policy but it could be if Council wishes and if the Chair wishes as do some Committee Chairs to allow for a certain amount of time for back and forth, for example a one minute rebuttal to somebody's quick question so they are not just left hanging if they had a

quick question to ask and that wouldn't be a policy of Council necessarily because this just says a reasonable public portion is three (3) minutes but that is something that you could adopt going forward or any Committee Chair can adopt which already happens in many Committees anyway but our Council Meetings could be run that way and I've seen other Council meetings in the general area run that way just a comment.

**President Fellows:** And it is a good comment and I think that it is something that we should probably discuss.

**Councilman Biro:** I think that it is something that the President of Council can entertain, correct?

**Councilman Fiebig:** Correct.

**Councilman Biro:** At the meeting but we do allow for responses and after public portion so it's not like we won't respond to them in a timely manner we can respond to them immediately after public portion.

**President Fellows:** And I think that we do that, I think if there is more in depth information, I know in the past that the Engineer, the Finance Director, the Law Director have welcomed that individual to call them to have more information given to them. I think what we would probably like to eliminate is a debate that goes on but if an individual is coming...and I especially feel kind of bad for residents that don't generally come to our meetings and then they come up to the mic and they have this question or concern and then they just sort of walk away and we all like just sit there. Because they don't come around a lot, they don't see how we kind of usually do our business and certainly I think...well I mean all of our residents should but certainly individuals that don't know how things will work I'm sure are looking for some type of feedback.

**Councilman Biro:** I think that it is important though at Public Portion to say and reiterate that we have the ability to go after the meeting, even after Public Portion after our meeting is done to talk to these individuals and we're all welcomed to do that, if there are any more questions, I mean, I know especially if there are a lot of people speaking, it's just something that we should probably reiterate and comfort them by saying we will talk with you after the meeting or we'll get back to you with the information that you are requesting we will get to you as prompt as possible.

**President Fellows:** I was just thinking, so since I will be introducing Public Portion why don't I put something together and I will share it with all of you.

**Councilman Hallum:** I've thought we have done a pretty good job of basically, I know that Ray always said that we may not respond to you today however but we will get back to you. It may be answered in Unfinished Business or we may get back to you after it has been looked at because some things may need...

**President Fellows:** And I think as Councilman Fiebig said, when we are having our own individual Committee Meetings we monitor it that way as well.

**Councilman Biro:** There is a little more latitude in Committee Meetings. A lot of it is just back and forth in terms of information...so

**President Fellows:** Are you good Councilman Fiebig?

**Councilman Fiebig:** Yes, it was just a comment.

**YEAS:** Unanimous.

**Policy No. 8.** If any member of Council in attendance at a Council Meeting fails to obey and/or abide by the Chair's ruling when one is ruled out of order more than twice at any given meeting, that disruptive behavior shall be grounds for expulsion from the meeting for the remainder of the meeting.

**The Chair shall advise the member of the violation of this rule and the potential consequences after the second violation. A vote of Council without debate for expulsion shall be in order after the third violation is declared by the Chair. (3/3/97); (Del. 1/1/00); (Reinstated 1/1/02); (Revised 1/4/10)**

Councilman Biro moved to adopt Policy No. 8. Councilman Hallum seconded.

**YEAS: Unanimous.**

**Policy No. 9. To adopt the Council Seating Arrangement identified “CITY OF WILLOUGHBY HILLS COUNCIL SEATING ARRANGEMENT, Revised: January 4, 2010” to serve as the seating arrangement for Regular and Special Meetings of Council and Working Committee of Council. (1/1/02); (Revised 1/4/10)**

Councilman Biro moved to adopt Policy No. 9. Councilman Fiebig seconded.

**YEAS: Unanimous.**

**Policy No. 10. The Law Director shall serve as Council’s advisor as to the procedural rules for the conducting of Council Meetings and any other necessary procedures. (1/1/02)**

Councilman Biro moved to adopt Policy No. 10. Councilman Hallum seconded.

**YEAS: Unanimous.**

Motion was made by Councilman Plecnik to renumber the Policies of Council to reflect that there are only nine. Councilman Hallum seconded.

**YEAS: Unanimous.**

## **PUBLIC PORTION**

### **Section 107.08 – Public Meetings of Municipal Bodies**

**(a) All meetings of any municipal body are declared to be public meetings open to the public at all times.**

**All meetings shall provide a reasonable opportunity to hear public opinion.**

Public Portion is now open to anyone wanting to come forth to express their comments pertaining to the Organizational Meeting set forth by the Agenda. Please state your name and address for the record and keep our comments to 3 minutes.

Public Portion was opened at 7:53pm.

**Linda Fulton** – 2990 Marcum Boulevard. Concerning Public Portion, I just wish you would include if there needs to be dialogue even if it was under Unfinished Business that if something needed to be corrected or anything like that I think that the person who brought the point up should be able to speak again in regards to that. Sometimes the question is not really answered as you would put it and if there needs to be a correction I think that we should be able to make that correction at any given time whenever it is addressed. Whether it be while the person is up here which I think would be a better way. For years now it’s very arrogant and it puts people uneasy and it makes you feel like you are not important, like your statement is not important. So I would just ask that you maybe think about that. Can we get rid of these tables? That’s very unwelcoming. Can’t we just put the mic back where it was; what’s the purpose? You’re going to stop someone from coming in to shoot you? I don’t think so.

**Cheryl Ota:** As I recall, the purpose was a safety issue.

**Linda Fulton:** But what is it doing? What purpose is it?

**President Fellows:** I think that it slows them down Linda because they have go around it unless they are going to jump over it.

**Linda Fulton:** If they have a gun they are going to shoot from the doorway. I just think, you know it's very unwelcoming.

**President Fellows:** Sure we can put that in Safety, Mr. Fiebig. I will give some thought to your comment of Public Portion as well, absolutely.

Public Portion was closed at 7:56pm.

### **ADJOURNMENT**

Councilman Fiebig moved to adjourn. Councilman Biro seconded.

**YEAS: Unanimous.**

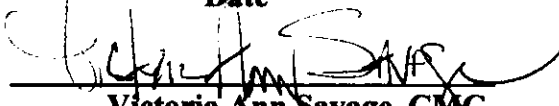
**The Organizational Meeting of Council held on January 4, 2016 was adjourned at 7:57pm.**

**APPROVED:**

Jan 28 2016

**Date**

**ATTEST:**



**Victoria Ann Savage, CMC  
Clerk of Council**



**Nancy E. Fellows  
President of Council**