

## Organizational Meeting of Council

### Minutes of January 3, 2008

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.

**3:05 p.m. - Organization Meeting of Council called to order by Law Director Thomas G. Lobe pursuant to Article III, Section 3.23 of the Charter of the City of Willoughby Hills.**

#### Pledge of Allegiance

Law Director Lobe stated that until such time as the Clerk is appointed for the next term and until such time as members of Council are appointed to their respective terms, he will be taking roll call.

**Roll Call of Council -** Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilwoman Nancy E. Fellows, Councilman Frank A. Germano, Councilman Kevin D. Malecek, Councilman David A. Reichelt, Councilman Raymond C. Somich

**Also Present -** Mayor Robert M. Weger, Law Director Thomas G. Lobe

#### 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.**

Law Director Thomas G. Lobe opened the public portion at **3:04 p.m.** directing anyone from the public to come forth to address Council with their comments pertaining to the Organizational Meeting set forth by the Agenda.

1. Robert Kowalsky

2585 Timberline Drive

Re: Expressed his opinion on the method that brought about this election

With no further comments, Public Portions was closed at **3:05 p.m.**

#### ORGANIZATION OF COUNCIL

##### **Ch. Section 3.25 Motion to appoint Clerk of Council**

**MOTION WAS MADE BY COUNCILMAN REICHEL**, seconded by Councilman Malecek to appoint Victoria Ann Savage as Clerk of Council.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**Law Director Thomas Lobe turned over the duties of Clerk of Council to Victoria Ann Savage.**

##### **Ch. Section 3.22 Nomination of President of Council**

Law Director Thomas Lobe advised Council that this basically is a two step process. First will be the nomination of the President of Council and thereafter will be the nomination of the Vice President of Council.

Upon election of the President of Council, the gavel will then be presented to that individual and we will then proceed with the nomination of the Vice President of Council.

Law Director Thomas Lobe further explained that nominations don't have to be seconded and at this time, nominations for President of Council will be considered.

**COUNCILMAN REICHELT nominated Councilman Kevin Malecek for the position of President of Council. Council Malecek accepted the nomination.**

**Law Director Lobe asked three separate times for any other nominations; there being no further nominations, nominations were closed.**

**Roll Call: 6 AYES with Councilman Malecek abstaining**

**Law Director Lobe passed the gavel to President of Council Kevin D. Malecek.**

**Ch. Section 3.22 Nomination of the Vice President of Council**

President Malecek opened nominations for the position of Vice President of Council.

**COUNCILMAN FIEBIG nominated David A. Reichelt for the position of Vice President of Council. David A. Reichelt accepted the nomination.**

**President Malecek stated that a nomination has been made for Councilman Reichelt to serve as Vice President of Council. President Malecek asked three separate times for any other nominations; there being no further nominations, nominations were closed.**

**Roll Call: 6 AYES with Councilman Reichelt abstaining**

**President Malecek congratulated Councilman David A. Reichelt who is now the Vice President of Council.**

**COMMITTEES OF COUNCIL**

**Per Section 121.01(c)(1) Committees**

President Malecek opened nominations for the Chair of the Finance Committee.

**COUNCILMAN BIRO nominated Councilman Raymond C. Somich to serve as Chair of the Finance Committee. Councilman Somich accepted the nomination.**

**President Malecek stated a nomination has been made for Councilman Somich to serve as Chair of the Finance Committee. President Malecek asked three separate times for any other nominations; there being no further nominations, nominations were closed.**

**Roll Call: 6 AYES with Councilman Somich abstaining**

**President Malecek announced that Councilman Raymond C. Somich will Chair the Finance Committee.**

**Per Section 121.01(c)(3) Personnel Relations Committee**

**COUNCILMAN GERMANO nominated Councilman Christopher L. Biro to serve as the Chair of the Personnel Relations Committee. Councilman Biro accepted the nomination.**

**President Malecek stated that Councilman Christopher L. Biro has been nominated to serve as Chair of the Personnel Relations Committee. President Malecek asked three separate times for any other nominations; there being no further nominations, nominations were closed.**

**Roll Call: 6 AYES with Councilman Biro abstaining**

**President Malecek announced that Councilman Christopher L. Biro will Chair the Personnel Relations Committee.**

President Malecek opened nominations for the Chair of the Planning and Zoning Committee.

COUNCILWOMAN FELLOWS nominated Councilman David A. Reichelt to Chair the Planning and Zoning Committee. Councilman Reichelt accepted the nomination.

President Malecek stated that David A. Reichelt has been nominated to serve as Chair of the Planning and Zoning Committee. President Malecek asked three separate times for any other nominations; there being no further nominations, nominations were closed.

Roll Call: 6 AYES with Councilman Reichelt abstaining

President Malecek announced that Councilman David A. Reichelt will Chair the Planning and Zoning Committee.

President Malecek opened nominations for the Chair of the Recreation Committee.

COUNCILMAN REICHELTL nominated Councilman David M. Fiebig to serve as Chair of the Recreation Committee. Councilman Fiebig accepted the nomination.

President Malecek stated that Councilman David M. Fiebig has been nominated to serve as Chair of the Recreation Committee. President Malecek asked three separate times for any other nominations; there being no further nominations, nominations were closed.

Roll Call: 6 AYES with Councilman Fiebig abstaining

President Malecek announced that Councilman David M. Fiebig will Chair the Recreation Committee.

President Malecek opened nominations for the Chair of the Rules and Legislation Committee.

COUNCILMAN BIRO nominated Councilman Kevin D. Malecek to Chair the Rules and Legislation Committee. President Malecek accepted the nomination.

President Malecek stated that he has been nominated to serve as Chair of the Rules and Legislation Committee. President Malecek asked three separate times for any other nominations; there being no further nominations, nominations were closed.

Roll Call: 6 AYES with President Malecek abstaining

President Malecek announced that he will Chair the Rules and Legislation Committee.

President Malecek opened nominations for the Chair of the Safety Committee.

COUNCILMAN SOMICH nominated Councilman David A. Reichelt to Chair the Safety Committee. Councilman Reichelt accepted the nomination.

President Malecek stated that Councilman Reichelt has been nominated to Chair the Safety Committee. President Malecek asked three separate times for any other nominations; there being no further nominations, nominations were closed.

Roll Call: 6 AYES with Councilman Reichelt abstaining

President Malecek announced that Councilman David A. Reichelt will Chair the Safety Committee.

President Malecek opened nominations for the Chair of the Service Committee.

COUNCILMAN GERMANO nominated Councilwoman Nancy E. Fellows to Chair the Service Committee. Councilwoman Fellows accepted the nomination.

President Malecek stated that Councilwoman Fellows has been nominated to Chair the Safety Committee. President Malecek asked three separate times for any other nominations; there being no further nominations, nominations were closed.

Roll Call: 6 AYES with Councilwoman Fellows abstaining

President Malecek announced that Councilwoman Nancy E. Fellows is the continued Chair the Service Committee.

**President Malecek opened the nominations for the Chair of the Utilities Committee.**

**COUNCILWOMAN FELLOWS nominated the continued service of Councilman Frank A. Germano for the Utilities Committee. Councilman Germano accepted the nomination.**

**President Malecek stated that Councilman Frank A. Germano has been nominated to serve as the Chair of the Utilities Committee. President Malecek asked three separate times for any other nominations; there being no further nominations, nominations were closed.**

**Roll Call: 6 AYES with Councilman Germano abstaining**

**President Malecek announced that Councilman Frank A. Germano will Chair the Utilities Committee.**

### **COUNCIL REPRESENTATIVES FOR SUBCOMMITTEES OF COUNCIL**

**President Malecek announced that we will now be looking at Council Representatives for several Boards. The first is the Chagrin River Watershed Partners Trustee and Alternate Trustee.**

**COUNCILWOMAN FELLOWS nominated Billie Kamis to be the City's representative for the Chagrin River Watershed Partners Trustee.**

**President Malecek stated that Billie Kamis has been nominated to serve as a representative for the City as a Chagrin River Watershed Partners Trustee.**

**Roll Call: 6 AYES with Councilwoman Fellows abstaining**

**President Malecek announced that Billie Kamis will serve as a Chagrin River Watershed Partners Trustee.**

**COUNCILMAN SOMICH nominated Councilwoman Nancy E. Fellows to serve as the Chagrin Watershed Partners Trustee Alternate. Councilwoman Fellows accepted the nomination.**

**President Malecek stated that Councilwoman Nancy E. Fellows has been nominated to serve as the Chagrin River Watershed Trustee Alternate. President Malecek asked three separate times for any other nominations; there being no further nominations, nominations were closed.**

**Roll Call: 6 AYES with Councilwoman Fellows abstaining**

**President Malecek announced that Councilwoman Nancy E. Fellows will serve as the Chagrin Watershed Partners Trustee Alternate.**

**COUNCILMAN REICHELT nominated Finance Chair Raymond C. Somich to serve as the representative to the Income Tax Board of Review. Councilman Somich accepted the nomination.**

**President Malecek stated that Councilman Raymond C. Somich, Chair of the Finance Committee has been nominated to serve as Council representative to the Income Tax Board of Review. President Malecek asked three separate times for any other nominations; there being no further nominations, nominations were closed.**

**Roll Call: 6 AYES with Councilman Somich abstaining**

**President Malecek announced that Councilman Raymond C. Somich will serve as Council Representative to the Income Tax Board of Review.**

**COUNCILMAN FIEBIG, nominated Councilman David A. Reichelt to serve as Council representative to the Planning & Zoning Commission. Councilman Reichelt accepted the nomination.**

**President Malecek stated that Councilman Reichelt has been nominated to serve as the representative to the Planning & Zoning Commission. President Malecek asked three separate times for any other nominations; there being no further nominations, nominations were closed.**

**Roll Call: 6 AYES with Councilman Reichelt abstaining**

**President Malecek announced that Councilman David A. Reichelt will serve as Council Representative to the Planning & Zoning Commission.**

Law Director Thomas G. Lobe stated, for the record, that all newly elected Officials have been sworn into Office pursuant to law on January 1, 2008.

The Law Director cited Section 3.35 of the Charter pertaining to the Instruction of New Members: “At every organizational meeting the incumbent members of the Council shall instruct the new members (Mr. Fiebig) with regard to their powers and duties and present to each such member a copy of the Charter, of the Ordinances of the Municipality, of the Rules of Council and such other material as they may deem necessary to assist the new members in carrying out their responsibilities in an informed manner.

The Law Director stated for the record that Councilman Fiebig has met with the Clerk of Council and was presented with a bound volume of all the materials cited in Section 3.35 of the Charter.

**CONSIDERATION OF THE POLICIES OF COUNCIL**

**Policy No. 1.**

**Roll Call of Council will be by rotating alphabetically each Council Meeting. (1/2/80)**

President Malecek asked if there was any discussion with respect to Policy No. 1. There being none, President Malecek requested a roll call of Council for approval.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 1 has been adopted.

**Policy No. 2.**

**All Council meetings shall be recorded by audio tape which will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened wherever possible.**

(rev. 1/1/02)

President Malecek asked if there was any discussion on purposed Policy No. 2. Councilman Somich questioned the definition of “audio tape” being a technological advancement of using digital audio recording, is there any problem with that change. President Malecek stated that “audio recording device” could be used. Councilman Reichelt requested “which” be changed to “and” for the sentence to read correctly.

**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.**

(rev. 1/1/02); (rev. 1/3/08)

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 2 has been adopted.

**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)**

President Malecek asked if there was any discussion with respect to Policy No. 3. There being none, President Malecek requested a roll call of Council for approval.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 3 has been adopted.

**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)**

President Malecek asked if there was any discussion with respect to Policy No. 3. There being none, President Malecek requested a roll call of Council for approval.

Roll Call: 7 AYES – unanimous

**MOTION PASSES**

President Malecek stated that Policy No. 4 has been adopted.

**Policy No. 5.**

**Notification of all new Safety Forces 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).**

President Malecek asked if there was any discussion with respect to Policy No. 5. There being none, President Malecek requested a roll call of Council for approval.

Roll Call: 7 AYES – unanimous

**MOTION PASSES**

President Malecek stated that Policy No. 5 has been adopted.

**Policy No. 6.**

**Council meeting minutes are to be made available to Council members within three (3) working days of the meeting. (1/1/96)**

President Malecek asked if there was any discussion with respect to Policy No. 6. Councilman Germano requested that Policy No. 6 be redacted and asked the Law Director to further explain. The Law Director explained that Policy No. 2, adopted in 2002 eliminated the necessity of Policy No. 6. President Malecek requested a formal roll call vote on the approval of Policy No. 6, stating that if you want to eliminate the policy vote no on the approval of Policy No. 6.

Roll Call: 7 Nays – unanimous

**MOTION FAILS**

President Malecek stated that Policy No. 6 has not been adopted.

**Policy No. 7.**

**Council shall prohibit the expenditure of City funds for any charitable or philanthropic purpose. (4/11/96)**

President Malecek asked if there was any discussion with respect to Policy No. 7. Councilman Reichelt questioned clarification on the Policy, it doesn't specify on which body the prohibition exists. Councilman Reichelt felt that the intent is that Council is not going to extend monies in a charitable or philanthropic purpose, but it doesn't really read that way. Councilman Reichelt suggested the policy should read that "Council shall not expend City funds for charitable or philanthropic purpose". The Law Director stated that Council is not locked in making a determination today; the issue could be placed in Committee for further deliberation.

**MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Somich to amend Policy No. 7 to read: "Council shall not expend City funds for any charitable or philanthropic purpose". Councilman Somich stated that he would take this issue into the Finance Committee for further discussion.**

**Policy No. 7.**

**Council shall not expend City funds for any charitable or philanthropic purpose. (4/11/96) (4/11/96); (revised 1/3/08)**

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 7, now Policy No. 6 has been adopted.

**Policy No. 8.**

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)

President Malecek asked if there was any discussion with respect to Policy No. 8. There being none, President Malecek requested a roll call of Council for approval.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 8, now Policy No. 7 has been adopted.

**Policy No. 9.**

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)

President Malecek asked if there was any discussion with respect to Policy No. 9. There being none, President Malecek requested a roll call of Council for approval.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 9, now Policy No. 8 has been adopted.

**Policy No. 10.**

The Mayor may place ordinances or resolutions on Regular and Special Council Meeting Agendas. (1/1/02)

President Malecek asked if there was any discussion with respect to Policy No. 10. There being none, President Malecek requested a roll call of Council for approval.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 10, now Policy No. 9 has been adopted.

**Policy No. 11.**

To adopt the Council Seating Arrangement identified “CITY OF WILLOUGHBY HILLS COUNCIL SEATING ARRANGEMENT, January 1, 2002” to serve as the seating arrangement for Regular and Special Meetings of Council and Council of The Whole Meetings. (1/1/02)

President Malecek asked if there was any discussion with respect to Policy No. 11. There being none, President Malecek requested a roll call of Council for approval.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 11, now Policy No. 10 has been adopted.

**Policy No. 12.**

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)

President Malecek asked if there was any discussion with respect to Policy No. 12. There being none, President Malecek requested a roll call of Council for approval.

