

City of Willoughby Hills

Organizational Meeting of Council

Minutes of January 4, 2010

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.

7:00 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 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 7:04 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. With no one coming forth from the public sector, Public Portion was closed at 7:04 p.m.

ORGANIZATION OF COUNCIL

City Charter – Section 3.25

Motion to appoint Clerk of Council

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig 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.

City Charter – Section 3.22

Nomination of President of Council

Law Director Thomas Lobe stated that nominations don't have to be seconded and requested nominations for President of Council.

COUNCILMAN GERMANO 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: 5 AYES with Councilman Malecek and Councilman Reichelt abstaining
Law Director Lobe passed the gavel to President of Council Kevin D. Malecek.

City Charter – Section 3.22 Nomination of the Vice President of Council
President Malecek opened nominations for the position of Vice President of Council.

COUNCILMAN GERMANO 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: 5 AYES with Councilman Reichelt and President Malecek abstaining
President Malecek congratulated Vice President David A. Reichelt.

COMMITTEES OF COUNCIL

Administrative Code – Section 121.01(c)(1) Committees
President Malecek opened nominations for the Chair of the Finance Committee.

COUNCILMAN REICHELTL 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 has been named Chair of the Finance Committee.

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

COUNCILMAN REICHELTL nominated Councilman David M. Fiebig to Chair the Planning and Zoning Committee. Councilman Fiebig accepted the nomination.
President Malecek stated that David M. Fiebig 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 Fiebig abstaining
President Malecek announced that Councilman David M. Fiebig has been named Chair of the Planning and Zoning Committee.

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

COUNCILMAN FIEBIG nominated Councilwoman Nancy E. Fellows to serve as Chair of the Recreation Committee. Councilwoman Fellows accepted the nomination.
President Malecek stated that Councilwoman Nancy E. Fellows 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 Councilwoman Fellows abstaining
President Malecek announced that Councilwoman Nancy E. Fellows has been named Chair of the Recreation Committee.

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

COUNCILMAN SOMICH nominated Councilman Kevin D. Malecek to Chair the Rules and Legislation Committee. President Malecek accepted the nomination and passed the gavel to Vice President Reichelt.

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

Roll Call: 6 AYES with President Malecek abstaining

Vice President Reichelt announced that President Malecek has been named Chair of the Rules and Legislation Committee and returned the gavel to President Malecek.

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

COUNCILMAN GERMANO 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 has been named Chair of the Safety Committee.

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

COUNCILMAN SOMICH nominated Councilman Christopher L. Biro to Chair the Service Committee. Councilman Biro accepted the nomination.

President Malecek stated that Councilman Biro 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 Biro abstaining

President Malecek announced that Councilman Christopher L. Biro has been named Chair of the Service Committee.

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

COUNCILMAN REICHELTL nominated Councilman Frank A. Germano to Chair 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 has been named Chair of the Utilities Committee.

Administrative Code – Section 121.01(c)(3)

Personnel Relations Committee

COUNCILMAN FIEBIG 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: 7 AYES

President Malecek announced that Councilman Christopher L. Biro has been named Chair the Personnel Relations 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. President Malecek entertained a Motion to table this appointment until the Regular Council Meeting of January 14th.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to Table the Appointment of the Chagrin River Watershed Partners Trustee and Alternate Trustee until the Regular Council Meeting of January 14, 2010.

Roll Call: 7 AYES

President Malecek announced that the appointment of the Chagrin River Watershed Partners Trustee and Alternate Trustee will be made at the Regular Council Meeting of January 14, 2010.

Administrative Code – Section 185.2501 Income Tax Board of Review

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.

City Charter – Section 5.11 Planning & Zoning Commission

COUNCILMAN REICHELT, nominated Councilman David M. Fiebig to serve as Council Representative to the Planning & Zoning Commission. Councilman Fiebig accepted the nomination.

President Malecek stated that Councilman Fiebig 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 Fiebig abstaining

President Malecek announced that Councilman David M. Fiebig will serve as Council Representative to the Planning & Zoning Commission.

City Charter – Section 5.41 Recreation Commission

COUNCILMAN FIEBIG, nominated Councilwoman Nancy E. Fellows to serve as Council Representative to the Recreation Commission. Councilwoman Fellows accepted the nomination.

President Malecek stated that Councilwoman Fellows has been nominated to serve as the Representative to the Recreation Commission. 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 Council Representative to the Recreation Commission.

CONSIDERATION OF THE POLICIES OF COUNCIL

Policy No. 1.

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

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to accept Policy No. 1. Councilwoman Fellows called for a point of clarification, citing that the Roll Call for this evening's meeting has not been taken in alphabetical order.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 1: *“Roll Call of Council will be by rotating alphabetically each Council Meeting”* has been adopted.

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)

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to accept Policy No. 2.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that 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”* 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)

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to accept Policy No. 3.

Vice President Reichelt stated that this Policy as well as Policy No. 9 are specified in the City's Charter. Councilman Fiebig recommended making Policy No. 3 gender neutral.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that 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”* 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)

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Reichelt to accept Policy No. 4.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that 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”* 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).

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to accept Policy No. 5.

Councilwoman Fellows questioned the necessity. The Mayor explained that the original policy had called for all new members of Safety Forces to be presented to Council at a Council Meeting and to do this the members of Safety Forces were being paid overtime. This policy was revised in 2006 providing Council with a written notification of all new Safety Appointments so that the Members of Council could meet new Safety Force Members during regular working hours.

Councilwomen Fellows questioned why notification couldn't be given to Council pertaining to all new employees.

President Malecek stated that Policy No. 5 will be amended to read: *"Notification of all new City employees is to be made in writing to the Clerk of Council's Office within 72 hours of hiring"*.

Motions were withdrawn respectively.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig that Policy No. 5 be amended to read: *"Notification of all new City employees is to be made in writing to the Clerk of Council's Office within 72 hours of hiring"*.

Councilman Somich questioned that Notification be communicated to Council within a certain period of time. The Mayor stated that there would be a record of any Notification listed in Council "Correspondence".

Vice President Reichelt stated that there should then be a time limit on how long the Clerk has to provide notification to the Members of Council.

President Malecek stated that the Mayor also announces all new City appointments in his Mayor's Report.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 5 shall now read: *"Notification of all new City employees is to be made in writing to the Clerk of Council's Office within 72 hours of hiring"*.

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)

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to accept Policy No. 6.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 6: *"Council shall not expend City funds for any charitable or philanthropic purpose"* has been adopted.

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)

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to accept Policy No. 7.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that 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” has been adopted.

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)

Councilman Somich suggested including “at any Committee Meeting of Council” as well as at a Council Meeting. President Malecek reminded the Members that this Policy only relates to the Members of Council and not to the general public.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt that Policy No. 8, be amended to read: “If any Member of Council in attendance at a Council Meeting or Committee 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”.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 8 has been amended to read: “If any Member of Council in attendance at a Council Meeting or Committee 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”.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to accept Policy No. 8.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 8: “If any Member of Council in attendance at a Council Meeting or Committee 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” has been adopted.

Policy No. 9.

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

President Malecek stated the Policy No. 9 has been superseded by City Charter, Section 2.22 – Council Meetings. For the matter of record, City Charter, Section 2.22 – Council Meetings has been provided:

“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”.

Policy No. 10.

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)

Councilwoman Fellows recommends updating the Council Seating Arrangement to reflect the current seating arrangement of Council.

President Malecek suggested changing the seating term of “Council V.P.” to “Council Rep.” (Representative) and thereby giving the Vice President of Council the ability to sit at any seat designated for a “Council Rep.”

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Germano to amend Policy No. 10 to change the seating term of “Council V.P.” to “Council Rep.” (*Representative*) thereby granting the Vice President of Council the ability to sit at any seat designated for a “Council Rep.”(*Representative*)

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that the “City of Willoughby Hills Council Seating Arrangement, January 1, 2002 has been amended to reflect the change in the seating term of “Council V.P.” to “Council Rep.”(*Representative*)

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to accept Policy No. 10 as amended.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that Policy No. 10, now 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 Council of The Whole Meetings’ has been adopted.*”

Policy No. 11.

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)

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to accept Policy No. 11.

Roll Call: 7 AYES – unanimous

MOTION PASSES

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

Councilman Reichelt questioned if there will be an Alternate Representative appointed to the Planning and Zoning Commission. President Malecek responded not at this time.

President Malecek entertained a Motion of Council to amend the Agenda in order to announce the Members of the Rules and Legislation Committee as this Committee will be meeting prior to the Regular Council Meeting of January 14th.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to amended the Agenda of the Organization Meeting of Council to announce the Members of the Rules and Legislation Committee.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that the Agenda has been amended to allow the appointment of members to serve on the Rules and Legislation Committee.

President Malecek, acting Chair of the Rules & Legislation Committee appointed Vice President Reichelt and Councilman Germano to serve on the Rules and Legislation Committee.

ADJOURN

MOTION WAS MADE BY COUNCILMAN REICHELT seconded by Councilman Germano to adjourn.

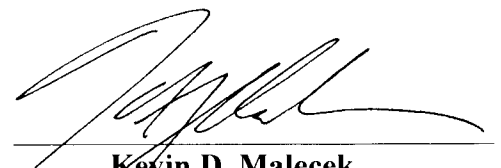
Roll Call: 7 AYES – unanimous

MOTION PASSES


Meeting was adjourned at 7:40 p.m.

APPROVED:

 14, 2010
Date


Kevin D. Malecek
President of Council

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council