

## RECORD OF PROCEEDINGS

Minutes of Regular Council

Meeting

national  
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National Graphics Corp., Col., O. Form No. 1987

Held Council Chambers 7:30 P.M.

February 4, 1980

Mayor Niehausmyer opened the meeting with the Pledge to the Flag. Clerk-Treasurer, Helen Coleman, called the Roll: Eric Hise, Present; John Harbal, Present, Gladys Donley, Present; William Peloquin, Present; Donald Spurgeon, Present; John Fletcher, Present. Six (6) Present, no (0) Absent.

Mayor Niehausmyer then read the following statement - The following paragraph is taken from the minutes of the Regular Council meeting of January 7, 1980.

"Mayor Niehausmyer then called for the reading of the appropriations Ordinance #1-80. Eric Hise said he wanted to make a statement at this point. His statement was--I nominate William Peloquin to fill the vacant seat on Council. Gladys Donley was prepared to submit another name, when Donald Spurgeon seconded the nomination made by Eric Hise and moved the nominations be closed. A roll call vote was taken on the name of William Peloquin to fill the open seat on Council: Vote: Donald Spurgeon, yea; John Fletcher, yea; John Harbal, nay; Eric Hise, yea; Gladys Donley, nay. Three (3) Yeas; two (2) nays. So the motion was passed."

After considerable study and investigation through Roberts Rules of Order, Newly Revised, a Certified Parliamentarian, Maude Shapiro, Our Village Solicitor, George Bowland, and McCullough Williams, the legal advisor for Thomas Ferguson, Auditor of State, we have determined that a motion on January 7, 1980, nominating William Peloquin to a seat on Council was done in such a manner that he was not legally elected to the Council seat.

The nomination which was seconded and a motion all in one statement to close nominations was in violation of an individual's right. (An attempt was being made at the time to make another nomination.) The motion to close the nominations was never seconded (which is required) and also a 2/3 vote is required to close nominations. This also was not done. A vote could not legally be taken as long as nominations were not closed. "Roberts Rules of Order, Newly Revised" Pages 241-243.

"When a motion is in violation of national, state, or local laws, the bylaws (or constitution) or rules of the organization, or the fundamental principles of parliamentary law, so that the action proposed by the motion would be null and void even if the motion were adopted. In such cases it is never too late to raise a point of order against the motion." "Roberts Rules of Order, Newly Revised." P. 215.

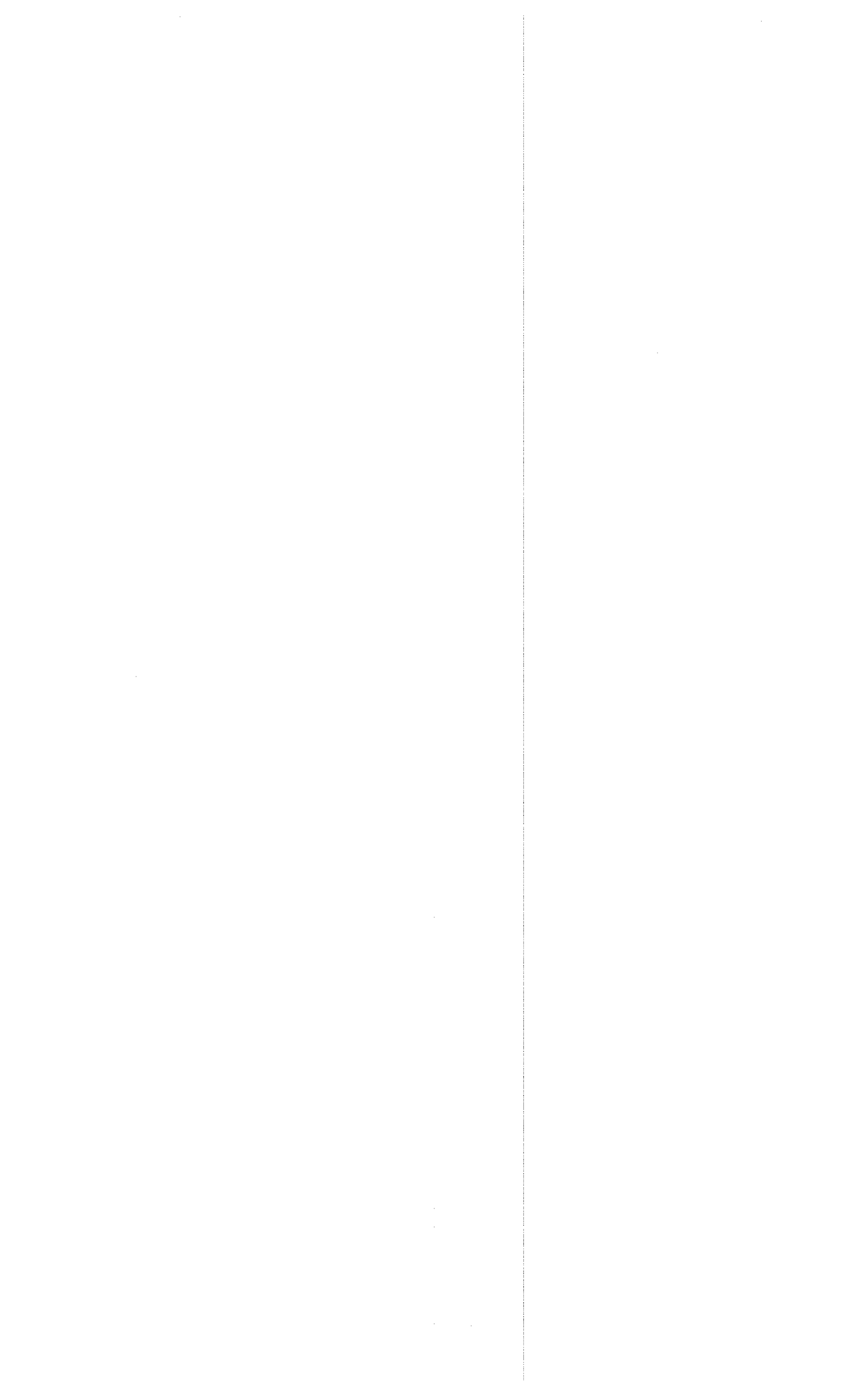
I feel several members of Council were over zealous in attempting to elect someone on Council that they literally took over and conducted the meeting to the point that the Chair and the Clerk-Treasurer could not call for the proper motions, etc. And as a result we still have a vacant seat on Council, also we do not have a President of Council.

Mayor Niehausmyer asked for remarks from the Village Solicitor, George Bowland. Mr. Bowland said that it is his opinion that we are back to the point where new nominations can be taken or the thirty (30) days are up so Council cannot make nominations. This can be handled one of two (2) ways.

1. Council can make nominations;
2. The thirty (30) days are up so the Mayor must fill the seat.

Mr. Bowland then remarked - I could not find a precedence for this situation so this will no doubt be settled in Court. Mayor Niehausmyer asked Mr. Bowland's opinion on how to proceed. Mr. Bowland answered - in my opinion, nominations should be taken at this time but either way it could be taken to Court.

Mayor Niehausmyer then asked for further remarks. Councilman Donley - I feel the thirty (30) days are up. It is up to the Mayor to fill the seat. Councilman Harbal - I feel the same as Mrs. Donley, the Mayor should fill the seat. Edith Nicklin - We have a very important matter before Council and I feel all Councilmen should be trying to resolve the matter. Mayor Niehausmyer then asked for further nominations to fill the vacant seat on Council. Gladys Donley nominated William Rowe. Eric Hise moved that the nominations be closed, seconded by John Harbal. Roll call vote: Donald Spurgeon, Yea; John Fletcher, Nay; Eric Hise, Yea; John Harbal, Nay; Gladys Donley, Nay. Two (2) Yeas, three (3) Nays, so the motion was not passed. The nominations are still open and this will be continued to the next regular meeting. John Werner questioned



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John Harbal's second to close the nominations and then his vote of "Nay". Mr. Harbal said that it was his prerogative to vote as he pleased.

Mr. Norman Klee asked to be heard in Council. Mr. Klee said he was very indignant over what has taken place in Council. He (Mr. Klee) has lived here since before Mr. Peloquin was elected as Mayor and he feels he (Mr. Peloquin) was a very good Mayor and it was time that someone said so. Several people in the audience clapped in agreement. Gladys Donley asked Mr. Klee where he was when Council needed people at Council meetings to see what was going on. You, Mr. Klee, should have heard the insults our new Mayor has had to take. Donald Spurgeon asked Mayor Niehausmyer if she has been insulted. Her answer was - I am sure they are not in the minutes but there were several things that happened that were not desirable. Former Councilman Nicholas Wohn, said that he was on Council for eight (8) years, six (6) of those years on the sewer committee. It is Mr. Wohn's opinion that Mr. Peloquin worked hard as Mayor, especially on sewer improvement. Mark Wheeler said that he is a native of Genoa. He too feels indignant about what has been happening in Council and he does not feel that what has been happening is in the best interest of the village. Mr. Peloquin asked if he could make a statement - from the time I was appointed to Council I have tried to help the new Mayor and Council. We had a CIC meeting Wednesday night and I worked hard to put this meeting together on very short notice. I will leave you with these remarks.

Gladys Donley moved to waive the reading of the minutes, seconded by Donald Spurgeon. John Fletcher had objected to the verbatim transcript in the minutes. He asked if anyone in the audience wanted to have the minutes read. No one wanted the minutes read so the Roll call vote was taken. Vote: John Harbal, Yea; Gladys Donley, Yea; Donald Spurgeon, Yea; John Fletcher, Yea; Eric Hise, Yea. Five (5) Yeas, one (1) Vacant seat. The motion passed.

John Fletcher moved to pay the bills, seconded by Donald Spurgeon. Roll call vote: Gladys Donley, Yea; John Harbal, Yea; Eric Hise, Yea; Donald Spurgeon, Yea; John Fletcher, Yea. Five (5) Yeas, no (0) Nays, one (1) Vacant Seat. The motion passed.

Mayor Niehausmyer then gave her monthly report on Mayor's Court - January 1980 -

Cases	Cases dismissed by the Officer - 2
Traffic - 17	Bench warrants - 1
Criminal - 3	Total Money Received - \$885.00
Waivers - 8	Still owed the Court - 65.00
Fines & Costs - 10	Rotary Reparation fund - 51.00

Mayor Niehausmyer added the names of Merriam Huston and Sylvia Essman and Mike Padgett to the Grants Committee. The purpose of the Grants Committee is to help find Grants and to work with the Grants Committee headed by Tommi Bergman and in turn report back to Council.

On February 6, 1980, there will be a joint meeting with the Township in regard to the ownership of the Town Hall.

John Fletcher presented Ordinance No. 3e80 for the third time and moved that it be passed, seconded by Donald Spurgeon. This is a license between the Village of Genoa and Ruth Mittendorf. Roll call vote: Donald Spurgeon, Yea; John Fletcher, Yea; Gladys Donley, Yea; John Harbal, Yea; Eric Hise, Yea. Five (5) Yeas, no (0) nays, and one (1) vacant seat. The motion passed.

Gladys Donley presented Ordinance No. 44-79 for the Board of Public Affairs to enter into a contract, for the third reading. John Harbal moved that Ordinance No. 44-79 be passed, seconded by Gladys Donley. Roll call vote: John Fletcher, Yea; Donald Spurgeon, Yea; Gladys Donley, Yea; John Harbal, Yea; Eric Hise, Nay. Four (4) Yeas, One (1) Nay, and (1) vacant seat. The motion passed.

Mayor Niehausmyer recommended that Council hire Walter Koenker to continue supervising the operations of the Town Hall. Donald Spurgeon moved to retain Walter Koenker as an independent contractor from February 1, 1980 to January 1, 1981, at \$50.00 per month. The motion was seconded by John Fletcher. Roll call vote: Eric Hise, Yea; John Harbal, Nay; Gladys Donley, Yea; Donald Spurgeon, Yea; John Fletcher, Yea. Four (4) Yeas, one (1) Nay, one (1) Vacant Seat. The motion passed.

John Fletcher asked if the votes taken at the previous meeting were legal. The

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votes will be checked and any legislation that needs to be submitted will be taken care of.

Council agreed to the mutual aid agreement with Woodville. The Mayor and Clerk-Treasurer will sign the agreement and return it to the Township Trustees.

Mayor Niehausmyer called for nominations for President of Council. Gladys Donley nominated John Harbal. After due time there being no further nominations Mayor Niehausmyer closed the nominations and instructed the Clerk-Treasurer to case a unanimous vote.

Donald Spurgeon reported that a Sewer Committee meeting will be called soon.

John Harbal reported on the Safety Committee meeting. The Safety Committee's recommendation for three officers who are on probation is as follows:

John Sutherland - Termination

Terry Bartel - Extended Probation - 3 months.

Douglas Sorg - Permanent appointment as a Part-time Patrolman.

Donald Spurgeon moved to accept the Safety Committee's recommendations, seconded by John Fletcher. Remarks: Jerry Spitler - Will all time be covered without a second full-time officer? Chief Truman said there is no problem, that the time will be covered. Mary Tallman - Asked why Council was dismissing a good patrolman? Chief Truman said that the reasons should not be entered into at this time. John Fletcher said that the committee deliberated at length before deciding on their recommendation. Patrolman Sutherland is not compatible with this Village including not appearing in Port Clinton Court when he had three cases scheduled. Mrs. Tallman said many people feel that he is a good patrolman and Chief Truman should take this into consideration. Mayor Niehausmyer accepted the recommendation of the Safety Committee. John Fletcher moved that Council accept the recommendation of the Mayor and the Safety Committee, seconded by John Harbal. Roll call vote: John Harbal, Yea; John Fletcher, Yea; Donald Spurgeon, Yea; Gladys Donley, Yea; Eric Hise, Yea. Five (5) Yeas, no (0) Nays, and one (1) Vacant Seat. The motion passed.

Gladys Donley reported there will be a Zoning meeting at 6:30, February 18, 1980, before the regular Council meeting.

Gladys Donley reported the Street Committee met with employees to discuss problems in the Street Dept. They were told to do their work and stop the "Horse Play". There is a question who will pay the \$374.72 damages to an employees car.

Jaan Mannik brought Resolution #8-80 to Council for their consideration. John Harbal presented Resolution 8-80 and moved for adoption. Gladys Donley seconded the motion. Roll call vote: Donald Spurgeon, Yea; John Fletcher, Yea; Eric Hise, Yea; John Harbal, Yea; Gladys Donley, Yea. Five (5) Yeas, no (0) Nays, and one (1) vacant seat. The motion passed.

Mr. Mannik asked to meet with Mayor Niehausmyer, the Sewer Committee, and the Bd. of Public Affairs, to review the plan of study for the EPA Sewer Project.

Jaan Mannik has talked to the County Engineers in regard to a survey of bridges in Ottawa County. John Fletcher moved to authorize an inventory of Packer Creek bridges in Genoa. The Village of Genoa agrees to co-operate with the Ottawa County Engineer and Ohio Department of Transportation in completing their portion of a State wide bridge condition survey for structures over twenty (20) foot length. Council hereby authorizes the Village Engineer, Mannik and Schneider, to complete the necessary inventory forms and related inspection of the five (5) Packer Creek bridges tithin the corporation limits of the village. This motion was seconded by Eric Hise. Roll call vote: Eric Hise, Yea; John Harbal, Yea; Gladys Donley, Yea; Donald Spurgeon, Yea; John Fletcher, Yea. Five (5) Yeas, no (0) Nays, and one (1) Vacant seat. The motion was passed.

John Fletcher presented Pay Ordinance No. 6-80 & 7-80, for the first reading by title only.

Eric Hise asked how soon we would start using purchase orders.

John Fletcher moved to recess until Wednesday, February 6, 1980, at 7:30 P.M.

Heleen P. Coleman  
Clerk-Treasurer

Hope L. Niehausmyer  
Mayor