

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
FRANK A. GERMANO
KEVIN D. MALECEK
RAYMOND C. SOMICH

Regular Council Meeting Minutes of January 24, 2013

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 whenever possible.

Meeting Called to Order at 7:00 p.m. by President David A. Reichelt

Pledge of Allegiance

Roll Call of Council

Members Present: Councilman Kevin D. Malecek, President David A. Reichelt, Councilman Raymond C. Somich, Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano

Absent: Vice President Nancy E. Fellows
City Engineer Richard Iafelice

Also Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Frank J. Brichacek, Jr., Clerk of Council Victoria Ann Savage

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Biro to excuse Vice President Nancy E. Fellows from the Regular Council Meeting of January 24, 2012.

Roll Call: 6 AYES

MOTION PASSES

President Reichelt declared that Vice President Nancy E. Fellows has been excused from the Regular Council Meeting of January 24, 2012.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Biro to Appoint Councilman Raymond C. Somich to serve as Vice President Pro-tem for the Regular Council Meeting of January 24, 2013.

Roll Call: 6 AYES

MOTION PASSES

President Reichelt declared that Councilman Raymond C. Somich has been appointed to serve as Vice President Pro-tem for the Regular Council Meeting of January 24, 2013.

Proclamation

President Reichelt called for Fire Chief Richard Harmon to come forward to present a Proclamation honoring resident Brian Yonosik for rescuing Mr. and Mrs. Klements from a working house fire on October 26, 2012.

Disposition of the Journal Regular Council Meeting of January 10, 2013

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Somich to approve the Regular Council Meeting Minutes of January 10, 2013 as submitted.

Roll Call: 6 AYES

MOTION PASSES

President Reichelt declared that the Regular Council Meeting Minutes of January 10, 2013 have been approved as submitted.

Correspondence

- Letter from Billie Kamis to David Reichelt, President and Members of Council dated January 10, 2013 (Emailed: January 22, 2013)
- Memo from Department of Building and Zoning, dated January 18, 2013 re: Sheriffs Sales in the City of Willoughby Hills (Emailed: January 22, 2013)
- Memo from Mayor Robert M. Weger to Council President David Reichelt, Clerk of Council, and All Council Members, dated January 21, 2013 re: Bowen & Associates Engineering Contract (Emailed: January 21, 2013)

Notifications

- Civil Service Commission Meeting of January 25, 2013 (Emailed: January 16, 2013)
- Planning and Zoning Commission & Architectural Board of Review Meeting of January 17, 2013 (Emailed: January 14, 2013)
- Rules & Legislation Committee Meeting of January 21, 2013 (Emailed: January 17, 2013)

Minutes

- Rules and Legislation Committee Meeting of January 21, 2013 (Emailed: January 22, 2013)

MAYOR'S REPORT – Robert M. Weger

Law Director presented the Mayor's Report. The report contained the following main topics:

- Free AARP Tax Assistance – Appointments every Tuesday from February 5th through April 9th from 9:00am – 12:30pm. Call the Mayor's Office to secure an appointment
- Six vehicles on Internet Auction until February 12th – 3 Snow Plows, 1 Fire Truck and two Police Cars

Acknowledgements

- Congratulations to Jim Brown, Dr. Morris Beverage, Commissioner Dan Troy and Cynthia Moore-Hardy named as Inside business Magazine's Power 100 Most Influential Leaders

Upcoming Events

Fire Department – Pancake Breakfast, Sunday, February 10th from 8:30 to 2:00pm at the WH Community Center

LAW DIRECTOR'S REPORT – Thomas G. Lobe, L.P.A.

- Status of Litigation. Previously reported on a recent case involving a slip and fall at the Community Center and now has a copy of the Compliant titled *James T. Sas and Joyce Sas, Plaintiffs vs. City of Willoughby Hills, Lake County Case No. 12CV003272 assigned to Judge Joseph Gibson*. The date of incident was December 24, 2010, it was filed on December 18, 2013 just a few days before two-year statute of limitation. The City forward the case on to the Insurance and they in turn have forward it on to our counsel of choice which is Mazanec, Raskin & Ryder Co. LPA. The Law Director is working with Mr. James A. Climer who is an old friend and associate the Law Director has worked with for thirty years; Mr. Climer is our Insurance Counsel.

FINANCE DIRECTOR'S REPORT – Frank J. Brichacek, Jr.

- No formal report.

CITY ENGINEER'S REPORT – Richard J. Iafelice, P.E., P.S.

- The City Engineer was not in attendance; therefore there was no formal report.

COMMITTEE REPORTS

President Reichelt asked if there were any Committee Chairs who would like to provide a report. Committees Reports have been listed alphabetically.

RULES & LEGISLATION – David A. Reichelt, Chair

Committee Members: Nancy E. Fellows, Kevin D. Malecek

COMMITTEE MEETING OF JANUARY 21, 2013	
Members Present: President David A. Reichelt, Chair, Vice President Nancy E. Fellows	
Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, Law Director Thomas G. Lobe, Mayor's Assistant Gloria Majeski for Mayor Robert M. Weger	
Purpose of the Meeting was to discuss Pending Legislation and any other business.	
Meeting convened at 6:34pm	
<i>Order of Business</i>	
Ordinances 2013-4 – Authorizing the Mayor to enter into a contract with Richard L. Bowen & Associates for engineering services. It was the consensus of the Committee to waive the Three Reading Rule and recommend Adoption at Thursday's Council meeting (Regular Council Meeting of January 24, 2013)	
Resolutions 2013-1 & 2 – Approving then-and-now certificates for the purchase of diesel fuel from Melzer's Fuel Service. The facts relating to these purchases and certificates were outlined in a memo to Council from the Finance Director, dated January 17, 2013. It was the consensus of the Committee to waive the Three Reading Rule and recommend Adoption at Thursday's Council meeting (Regular Council Meeting of January 24, 2013)	
A draft of a potential Council Resolution opposing Ohio HB 601 was circulated and discussed. The Committee took no action at this time as further research is needed.	
<i>Public Portion</i>	
Opened: 7:01pm Closed: 7:11pm	
Linda Fulton asked about various issues, including the status of the City Engineer and the City's Road Maintenance and Repair Program.	
Meeting adjourned at 7:11pm	

OTHER COUNCIL REPRESENTATIVE REPORTS

- There were no other Council Representative Reports.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies of the Codified Ordinances of the City of Willoughby Hills:
(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 was opened at 7:22pm

1. Joyce Grady
3020 Marcum Boulevard
Re: Unable to walk the street due to large amount of snow not being cleared
2. Robert Kowalsky
2585 Timberline Drive
Re: Tax Devaluation of property in Willoughby Hills; his property was devalued by 20%; wondered if the City could request a meeting the Lake County Auditor Board of Review to reduce the devaluation of property within the City; extreme devaluation of property a real big hit for the residents of the City

Public Portion was promptly closed at 7:27pm

UNFINISHED BUSINESS

President of Council asked if anyone would like to entertain a discussion about asking the County to raise our taxes by raising our valuations. President Reichelt stated that this was a first, and wanted to put it out there because we have never had anybody come and ask to pay more taxes.

Councilman Fiebig stated of course the value of individual real estate is a matter for the individual to take to the County and the County sets the valuations; it is done every six years. So City Council doesn't have anything to do with it. There is Lake County Auditor's Website and the information is there. If you would like, Councilman Fiebig can get you the number, you need to call and do that individually; Council can't take

action on that, just for the benefit of those who might have misconstrued what was said. Council doesn't have anything to do with the devaluation of property within its borders.

Law Director stated, absolutely, there is a separate form for the Board of Revision that the individual property owner has the right to bring forth. This is kind of unusual, Mr. Kowalsky's position that he is paying too little taxes and he wants to pay more taxes which is usually the opposite of what normally occurs; you want devaluation, so that you pay less taxes. He is upset that he has had his property value devalued; this is just the County's appraisal that is all that is, for setting taxes. That does not mean that in the market place, that his property can't sell for much less or greater, whatever it is. There is a Board of Revision, there is a process for it, and it has to be filed by the property owner. The Law Director advised Mr. Kowalsky to please do so, there is a time constraint when it must be done, it must be done in writing, and you also must give them proof as to why you believe the property should normally be devalued less, i.e. sales in the community, recent sales, an expert's report, or there have been improvements made to the property. It is an individual thing, this City nor any City that the Law Director knows of, and he represents other Cities, can and should do this and oh by the way, the real complaint is should be to the County Commissioners, because everybody's taxes have gone down, as the properties have devalued. Yes, the City's property has gone down more, because the Law Director thinks that it is a product of increases of so much more during the year of 2008. Again, it is an individual's own right and the Law Director advised Mr. Kowalsky to exercise his right. We have no providence in doing so at this time.

LEGISLATION

ORDINANCE NO. 2013-4

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS, OHIO AND RICHARD L. BOWEN + ASSOCIATES, INC. FOR CITY ENGINEERING SERVICES; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-4.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-4 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to adopt Ordinance No. 2013-4.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-4 has been adopted.

RESOLUTION NO. 2013-1

A RESOLUTION TO APPROVE A THEN AND NOW CERTIFICATE AND TO AUTHORIZE THE FINANCE DIRECTOR TO DRAW A WARRANT FOR THE ORDERS OR CONTRACTS ASSOCIATED WITH SUCH CERTIFICATE AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2013-1.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Resolution No. 2013-1 has been suspended.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Biro to adopt Resolution No. 2013-1.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Resolution No. 2013-1 has been adopted.

RESOLUTION NO. 2013-2

A RESOLUTION TO APPROVE A THEN AND NOW CERTIFICATE AND TO AUTHORIZE THE FINANCE DIRECTOR TO DRAW A WARRANT FOR THE ORDERS OR CONTRACTS ASSOCIATED WITH SUCH CERTIFICATE AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2013-2.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Resolution No. 2013-2 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Resolution No. 2013-2.

Councilman Somich wanted to thank the Finance Director for doing theses properly and in a timely manner. In the past, the State Auditor has said that the City needed to do Then and Now Certificates and the City had not down the Then and Now Certificates properly for many years. It is wonderful to see the system working the way that it should and people being efficient in this area.

The Law Director stated that he agreed whole heartedly with Councilman Somich, Finance Director Brichacek is doing a heck of a job, because he is doing the right thing. The Law Director stated that the Administration, the Mayor and himself have been harping on these Directors to do it right and they are doing a much better job; however, we want to cut down on the number of “Then and Now” Certificates. The Administration, the Mayor and the Law Director emphasize every week, please do it right and we are hopeful that all the Directors come to Finance Director Brichacek so that Mr. Brichacek can teach them on how to avoid the use of “Then and Now” Certificates. The use of the “Then and Now” Certificate is getting less and less but we are looking for zero use.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Resolution No. 2013-2 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to declare the Willoughby Hills Corn Fest 2013 to be held on September 7th and 8th a public purpose. .

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that Willoughby Hills Corn Fest 2013 has been declared to be a public purpose.

FOR THE GOOD OF THE ORDER

Councilman Somich:

Indian Museum of Lake County Annual Artifact Identification Workshop – Saturday, February 9th at 10:00am. There is an \$8.00 admission fee.

Lake County History Center Fund Raiser – Fabulous Fifties

The Fabulous Fifties Deja Vu takes place from 6 to 10 p.m. Saturday Feb. 9 at St. Noel Church’s Starlight Room, 35200 Chardon Road in Willoughby Hills.

Tickets, at \$75, include open bar, buffet dinner, dessert table plus entertainment and dancing. Reservations by Wednesday: 440-639-2945.

Councilman Fiebig:

The Willoughby South Drama Club is excited to present a Theater Workshop

When: February 2nd from 9:00am to noon

Where: Willoughby South High School LGI/Auditorium Room (5000 Shankland Rd, Willoughby, OH)

This workshop is designed for children ages 8 through 13 years old.

Workshop fee is \$25.00 made payable to Willoughby South Drama Club.

Registration Forms available at www.weschools.org/SouthHigh.cfm under Students and Drama Club.

The proceeds will be used for the Spring Production of Grease on March 15, 16, & 17, 2013 at Willoughby South High School

Councilman Biro:

Willoughby Hills Fire Department Pancake Breakfast to be held 10th from 8:30am to 1:30pm at the Willoughby Hills Community Center. Adults \$6.00, Children (5-12) \$4.00, Under 5, Free. Contact Lt. Patty Heller (440) 942-7207 All proceeds will go to supporting our Annual Edison Elementary Safety Week which provides Safety Education and FREE Bicycle Helmets to every 4th grade child.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG seconded by Councilman Biro to adjourn the meeting.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared the Regular Council Meeting of January 24, 2013 to be adjourned at 7:40pm

APPROVED:

Date

David A. Reichelt
President of Council

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council