

City of Willoughby Hills

Regular Council Meeting Minutes of February 14, 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 whenever possible.

7:02p.m. Meeting called to order by President Kevin D. Malecek

Pledge of Allegiance

Roll Call of Council

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

Also Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Joseph G. Mirtel, City Engineer Richard Iafelice, Clerk of Council Victoria Ann Savage

Disposition of the Journal Regular Council Meeting of January 24, 2008

MOTION WAS MADE BY COUNCILMAN SOMICH seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes for January 24, 2008.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that the Regular Council Meeting Minutes of January 24, 2008 have been approved.

Correspondence

- Ohio Department of Natural Resources/ODNR-Division of Mineral Resources dated January 23, 2008 to Ms. Victoria Ann Savage, re: Faye, Well Number 13B
- Victoria Ann Savage to Members of Council, Safety Director Robert M. Weger, Fire Chief Richard Harmon, Police Chief Christopher Collins, Building Inspector Mario Di Franco, City Engineer Richard Iafelice, dated February 7, 2008 re: Notification of Impending Oil and Gas Exploration and Drilling Operations to take place within the City of Willoughby Hills for Faye, Well Number 13 B
- Victoria Ann Savage to Members of Council, Law Director Thomas G. Lobe, BZA Chair Frank Cihula, BZA Clerk Joan Motuza, Chair of the Planning and Zoning Commission Charlotte Schryer, Clerk of the Planning & Zoning Commission Katherine Lloyd, with copy provided to Assistant to Mayor Gloria Majeski, dated February 5, 2008 re: House Bill 9 – Certified Training Schedule
- Mayor's Monthly Statement to Council for the Month of January 2008
- Richard Iafelice, City Engineer to Honorable Robert Weger and Members of Council, re: Status Report for February 2008
- **Email:** Celestino Mastrangelo to whadmin@willoughbyhills.net; whmayor@willoughbyhills.net; whbuild@willoughbyhills.net; riafelice@ctconsultants.com; whcouncil@willoughbyhills.net; whservice@willoughbyhills.net; whcourt@willoughbyhills.net, dated February 28, 2008 re: Chardon Road

- **Email:** Rich Iafelice to Celestino Mastrangelo, whadmin@willoughbyhills.net; whmayor@willoughbyhills.net; whbuild@willoughbyhills.net; whcouncil@willoughbyhills.net; whservice@willoughbyhills.net; whcourt@willoughbyhills.net

Notifications

- Board of Building and Zoning Appeals Meeting of February 12, 2008
- Board of Building and Zoning Appeals Notification for Case No. 2008-1
- Planning and Zoning Commission & Architectural Board of Review Meeting of February 7, 2008
- Personnel Relations Committee Meeting of February 11, 2008
- Rules and Legislation Committee Meeting of February 11, 2008
- Safety Committee Meeting of February 11, 2008
- Utilities Committee Meeting of January 28, 2008
- 14th District Elected Officials' Conference hosted by Congressman Steven C. LaTourette and The Cleveland Development Foundation
- **EMAIL: NOTIFICATION PROVIDED BY LAKELAND COMMUNITY COLLEGE RE: ANIMAL CRUELTY INVESTIGATIONS – BEYOND THE BASICS SCHEDULED FOR MARCH 19, 2008 AT LAKELAND COMMUNITY COLLEGE**

Minutes

- Rules and Legislation Committee Meeting of January 7, 2008 (Minutes can also be found within the Regular Council Meeting of January 10, 2008)
- **PERSONNEL RELATIONS COMMITTEE MEETING OF FEBRUARY 11, 2008**
- **PLANNING AND ZONING COMMISSION & ARCHITECTURAL BOARD OF REVIEW MEETING OF JANUARY 17, 2008**
- **RULES AND LEGISLATION COMMITTEE MEETING OF FEBRUARY 11, 2008**
- **Safety Committee Meeting of February 11, 2008**
- **Utilities Committee Meeting of January 28, 2008**

File

- Christopher J. Collins, Chief of Police to Patti Derringer of 104 Gaslite Lane, Mayfield Heights, dated February 1, 2008 re: Thank You Letter of January 28, 2008 - Commending Officer Ron Parmertor
- Board of Building & Zoning Appeals 2008 Schedule
- Willoughby Hills Senior Center – Activity Pages for February 2008 – Issue Number 2
- General Information pertaining to the Lake Humane Society
- Kevin M. Delaney to Community Advisory Committee (CAC) and Focus Groups; Community Leaders, Non-Airside Tenants, and Neighbors, dated February 4, 2008 as received from the Mayor's Office (date stamped February 6, 2008)
- **JOE G. MIRTEL, DIRECTOR, FINANCE DEPARTMENT TO MAYOR WEGER, CITY COUNCIL & COUNCIL CLERK, DATED FEBRUARY 14, 2008 RE: REPORTS FOR YEAR-END 2007 AND PURCHASE ORDERS WRITTEN JANUARY 2008**

MAYOR'S REPORT – Robert M. Weger

- **Legislation**
Supports the passage of Ordinance No. 2008-4, Ordinance 2008-5 and Ordinance 2008-6
- **Fire Department Activities**
Maintenance of Tower Ladder Truck
Swift Water, River and Ice Training
- **Police Department Activities**
National Criminal Enforcement Agency Conference
- **Cuyahoga County Commissioners Meeting of February 14, 2008** – re: Cuyahoga County Community Airport Plan Layout and Master Plan and the Runway Safety Area Study; discussed Alternative 38, it was requested that any action be tabled for 60 days, to allow for public comments through scheduled Public Meetings; February 20th meetings are being held at 9:30 a.m. and at 1:30 p.m. for the Community Advisory Committee of the Airport

Task Force – Meetings are open to the public and will be held at the Holiday-Inn in Wickliffe; additional Public Meetings are to be held in Highland Heights, Richmond Heights and Willoughby Hills

- **Appointments**

Service Department Clerk

Dispatcher

Re-appointed Madeline Smith to serve on the Planning & Zoning Commission and Architectural Board of Review

- **Finance Department Activities**

Referenced Finance Reports for Year-End 2007, Purchase Orders written January 2008, General Fund Balance, Negative Account Balance for the Roads & Maintenance Program (Fund 251), Cash Reconciliation between the Bank and Book Balance of December 31st

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

- Requested two Executive Sessions to discuss: (1) EEOC Matter and (2) Potential Purchase of Property

FINANCE DIRECTOR – Joseph G. Mirtel

- Referenced Finance Reports for Year-End 2007 as printed directly off the system

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

- Referenced Status Report of February 2008
- **ODOT Project – Chardon Road** assistance with request for funds, able to negotiate an extension in the bid opening while maintaining the schedule that will allow for completion of the project in Mid-September – Extension of sale date for the City to remit the necessary funds
- **Assessment Area C** – Public Meetings set for **February 26th** and **March 5th** - Notifications went to all affected residents – private streets included

COMMITTEE REPORTS

FINANCE – Raymond C. Somich

- Finance Committee has not met; therefore no formal report was given.
- Announced that a Finance Committee be tentatively scheduled for Monday, February 25th – (**Note**: Meeting was scheduled for March 3rd)

PLANNING & ZONING – David A. Reichelt

- Planning & Zoning Committee has not met; therefore no formal report was given.
- Announced that a Planning & Zoning Committee has been scheduled for Monday, March 3rd to discuss the Potential Land Development on Maplegrove Road

RECREATION – David M. Fiebig

- Recreation Committee has not met; therefore no formal report was given.
- Attended the Recreation Commission Meeting where there was a discussion on setting up policy and procedures and upgrades to Roemisch Fields – with discussion to be ongoing

RULES & LEGISLATION – Kevin D. Malecek

COMMITTEE MEETING OF FEBRUARY 11, 2008

Members Present: Chairman Kevin D. Malecek, Councilman Frank A. Germano, Councilman David A. Reichelt

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Mayor Robert M. Weger, Finance Director Joseph Mirtel

Purpose of the Meeting was to review Pending Legislation and any other business.

Meeting convened at 7:07 p.m.

The following legislation was discussed:

Ordinance 2008-4 – Motorcycle Purchase – Recommendation of the Safety Committee was to waive and adopt – we concur with the Safety Committee.

Ordinance 2008-5 – TIF Funding – Mayor Weger – TIF Financing Program for the Classic Auto Campus

Chuck Riehl briefed us – Tax Incremental Financing – allows us to do modifications to property or surroundings that effect parcels of property – file documentation and taking tax revenue that would have gone to the school system, county – 75% for ten years to make modifications to have entity to build on the campus. Needs to have traffic signal at Cleveland Clinic/driveway of Classic Campus – synch from Halle Farm to Chardon Road. Turning lane going into I-90 East – traffic study done for that. Other piece – pump station upgrade at Corporate 90 in part of our sewer system. Electronics need to be replaced. Service clinic and this new campus. CEI costs to bury the wires.

TIF allows us to get money every year for 10 years; property owner needs to sign the developer's agreement. City must take out a loan; loan is paid back every year. Only going for 10 years, 75% - don't have to ask for permission from the school board, just have to notify them. Under an obligation to give 14 days notice. Keith Miller and Wade Mitchell have no problem with this – W-E Schools – Willowick did TIF financing there – school board was not pleased – no taxes to offset. W-E got nothing from it; anything they do get from the Classic development is good. TIF Agreement – per state law – revenue from income tax over 1 million at Classic – must compensate the school board.

900k to 1 million to do improvements – extra lane is 700k, traffic signal is 120k, Cleveland Clinic is paying half (60k), includes the synchronization, CEI cost to bury lines was 41k. Dealership and also all the lights at I-90. Pump station across the street – defined projects – Chardon Road U.S. 6 resurfacing – could use it for that if there is extra money, but there probably won't be. Hopes that this would be worth more last year, but did not occur.

Biro – 10 million for both buildings. **Weger** – not the land – for the property tax. Just for the physical building itself – not for the cars, etc. 45k square foot building and another 40k square foot building with BMW and Cooper. Payroll will be 5 to 6 million dollars. County auditor puts price tag on the building. Right now being taxed on 50 percent – school boards lobby county and state – January 1st – 50% of taxing went into effect January 1st.

Mirtel – always go conservative on the estimates. **Weger** – had a meeting on Thursday with the developer, further on in the package – Developer's Agreement. Certain things – comfortable with this – execute. Who will do the valuation – County Auditor. Second building will be complete by the end of this year. Did this and did not build second building – we would have a problem. Traffic signal would go in. Include CEI charge in the TIF.

Fiebig – when was rezoning? **Weger** – back in October – Settlement Agreement rezoned both properties, but instituted a buffer. Issue resolved in the lawsuit – land not transferred in our name yet. Not transferred for another six months. Court order – doesn't have to go to BZA.

Committee recommends waive and adopt on the Ordinance.

Mirtel – TIF financing benefits the schools and community – like a great dealership like this – great payroll and great income when you had empty property.

Public Portion was open with no one from the public sector coming forth.

Meeting adjourned at 7:36 p.m.

SAFETY – David A. Reichelt

COMMITTEE MEETING OF FEBRUARY 11, 2008

Members Present: Chairman David A. Reichelt, Councilman Christopher L. Biro, Councilman David M. Fiebig

Also Present: Councilman Frank A. Germano, President Kevin D. Malecek, Mayor Robert M. Weger

Purpose of the Meeting was to review Vehicle Acquisition for Police Department and any other business.

Meeting convened at 6:40 p.m.

The purpose of the meeting was to discuss **Ordinance No. 2008-4** – the Ordinance to improve the lease on the motorcycles. The Committee unanimously agreed to recommend passage that Ordinance by City Council.

Second and very brief discussion was centered on the **Dispatch Center Project**, particularly the funding and it is clear that there are questions about how this project is to be funded; this is something that will need to be worked through.

There was no participation during Public Portion.

Meeting adjourned at 6:54 p.m.

SERVICE – Nancy E. Fellows

- The Service Committee has not met; therefore no formal report was given.

UTILITIES – Frank A. Germano

COMMITTEE MEETING OF JANUARY 28, 2008

Members Present: Chairman Frank A. Germano, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich

Also Present: Councilman David M. Fiebig, Councilman David A. Reichelt, Mayor Robert M. Weger, City Engineer Richard Iafelice

Purpose of the Meeting was to review Assessment Area C and any other business.

Meeting convened at 7:19 p.m.

Discussed Assessment Area C – is it possible to do parts of Area C; Discussed having informal meetings
As of to date, \$250,000 of engineering fees have been allocated from a \$700K loan – Water Pollution Control Funds are tough to secure

Discussed the sewer from Oakview to Richmond line on White Road to go into Richmond Sewers

Consensus of the Committee was to schedule meetings to inform residents of the project, cost, sewer bills and reason for the Project for Area Assessment C

Public Portion was opened at 9:01 p.m. with the following residents coming forth:

1. Frank Cihula – Is the project financially feasible with one year to tie-in?
2. Joyce Grady – Why was Assessment Area B less than Assessment Area C?
3. Linda Fulton – Private Streets going to Richmond Sewer?
4. Bob Kowalsky – Suggested discount for people who pay upfront to support the Sewer Fund

Meeting adjourned at 9:16 p.m.

PERSONNEL RELATIONS – Christopher L. Biro

COMMITTEE MEETING OF FEBRUARY 11, 2008

Members Present: Chairman Christopher L. Biro, Mayor Robert M. Weger

Also Present: President Kevin D. Malecek, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman David A. Reichelt, Finance Director Joe Mirtel

Purpose of the Meeting was to Compensation for Non-Union Employees and any other business.

Meeting convened at 7:37 p.m.

The Order of Business was Non-Union Employee Compensation and Benefits for Part-Time Police, Fire and Administration Personnel; adjourned into Executive Session at 7:39 p.m.

Discussed Ordinance No. 2008-6 – Ordinance dealing with Holidays and Vacation Time for full-time employees

Public Portion was opened with no one coming forth from the public sector.

Meeting adjourned at 8:55 p.m.

WORKING COMMITTEE OF COUNCIL – Kevin D. Malecek

- The Working Committee of Council has not met; therefore no formal report was given.

OTHER COUNCIL REPRESENTATIVE REPORTS

- There were no other Council Representative Reports brought forth to Council.

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.**

President Malecek opened public portion at 7:27 p.m.

- (1) Robert Kowalsky
2585 Timberline Drive

Re: Ordinance No. 2008-5 – TIF Funding; Processing Public Records Request, delay in getting all information and/or attachments

With no further commentary coming forth from the public, President Malecek closed public portion at 7:30 p.m.

UNFINISHED BUSINESS

Councilman Somich responded to the comments made by Mr. Kowalsky pertaining to Ordinance No. 2008-5 – TIF Funding. President Malecek responded to Mr. Kowalsky's request for Public Records.

LEGISLATION

ORDINANCE NO. 2008-4

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO A LEASE AGREEMENT WITH WESTERN RESERVE HARLEY-DAVIDSON FOR THE PURCHASE OF THREE HARLEY-DAVIDSON MOTORCYCLES AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2008-4.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2008-4 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to adopt Ordinance No. 2008-4.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2008-4 has been adopted.

ORDINANCE NO. 2008-5

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PROPERTY IN THE CITY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BENEFIT THE PROPERTY, EXEMPTING SUCH IMPROVEMENTS TO THE PROPERTY FROM REAL PROPERTY TAXATION, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY, AND ESTABLISHING A TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2008-5.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2008-5 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to adopt Ordinance No. 2008-5.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2008-5 has been adopted.

ORDINANCE NO. 2008-6

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS, SECTION 157.05 – VACATIONS AND SECTION 157.06 – HOLIDAYS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to suspend the Two-Day Notification Rule for Ordinance No. 2008-6.

Law Director Lobe verified that Council was in receipt of Ordinance No. 2008-6.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that the Two-Day Notification Rule for Ordinance No. 2008-6 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2008-6.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2008-6 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to adopt Ordinance No. 2008-6.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2008-6 has been adopted.

RESOLUTION NO. 2008-1 – SECOND READING

A RESOLUTION ACKNOWLEDGING KENNETH A. LORENZ FOR HIS MANY YEARS OF SERVICE TO THE CITY OF WILLOUGHBY HILLS.

President Malecek stated that Resolution No. 2008-1 has been referred to the Personnel Relations Committee.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to authorize the Mayor to advertise for bids for the furnishing of the City's requirement for Asphalt and Limestone for 2008 in accordance with quantities and specifications on file in the Office of the Mayor.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that the Mayor may advertise for bids for the furnishing of the City's requirement for Asphalt and Limestone for 2008 in accordance with quantities and specifications on file in the Office of the Mayor.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to adjourn into Executive Session after the conclusion of "For the Good of the Order" inviting the Mayor, Law Director, Finance Director and the City Engineer for the purpose of discussing the EEOC matter and the possibility of litigation against the City.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the motion has been adopted and Council will adjourn into Executive Session following "For the Good of the Order" to discuss Personnel Relations matters.

President Malecek stated that the City Engineer should not be invited into an Executive Session to discuss a EEOC matter; therefore a motion to adjourn into an Executive Session for the purpose of discussing pending property purchase prior to the Execution Session called for the purpose of discussing the EEOC matter would be in order.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to adjourn into Executive Session for the purpose of discussing pending property purchase inviting the Mayor, Law Director, City Engineer and Finance Director prior to the Executive Session to discuss the EEOC matter.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Motion has been adopted and Council will adjourn into Executive Session following for "The Good of the Order" for the purpose of discussing pending property purchase and then a second Executive Session would follow to discuss the EEOC matter.

FOR THE GOOD OF THE ORDER

- Councilman Reichelt announced that CityMusic will be performing at Willoughby United Methodist Church on February 22, 2008 at 7:30 p.m.
- Councilman Germano announced the dates for the Public Meetings/Open Forum to be held at the WH Community Center at 7:00 p.m. on **Tuesday, February 26th** (*White Road from just West of Lynn to Erich; Erich and Lynn Drives; Cricket Lane; Chardon Road and Willow Lane*) and **Wednesday, March 5th** (*White Road from Richmond Heights to Tall Tree Trail; Tall Tree Trail; Bishop Road; Sayle Drive; Eddy and Rockefeller Roads*)
- Councilman Somich announced that this coming Monday Morning February 25th there will be a Legislative Breakfast held at LaMalfa, open to the public, sponsored by the Lake County Economic Development Council, featuring Congressman LaTourette, State Representative and County Elected Officials
- Councilman Somich announced that on February 28th the Willoughby Area Chamber of Commerce will host the State of the City Address at the La Vera Party Center – open to the public, can contact the Willoughby Area Chamber of Commerce for ticket information
- Councilman Somich that the Boys League will have their Annual Reverse Raffle on Saturday, March 1st held at La Vera Party Center.
- Councilman Reichelt announced the dates for the Pancake Breakfasts, all to be held on Sunday: March 2nd, March 9th by the Recreation Commission and March 16th by the Lions Club. Council Members have plenty of tickets for sale.
- Councilman Fiebig announced the Willoughby-Eastlake Association for the Gifted and Talented (WEAGT) – Annual Auction to be held Saturday, February 23rd from 5:30 p.m. to 11:00 p.m. at Patrician Party Center. Tickets are \$25.00 and everyone interested may see Councilman Fiebig for tickets.

President Malecek called for Council to adjourn into Executive Session at 7:47 p.m.

All of Council reconvened from Executive Session at 8:44 p.m.

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

Roll Call: 7 AYES – unanimous

MOTION PASSES

Meeting adjourned at 8:45 p.m.

APPROVED: _____

[Signature]

[Signature]

Kevin D. Malecek
President of Council

ATTEST: _____

[Signature]
Victoria Ann Savage
Clerk of Council