

City of Willoughby Hills

Regular Council Meeting

Minutes of January 8, 2009

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.

7:03 p.m. Regular Meeting of Council Called to Order by President of Council.

Pledge of Allegiance

Roll Call of Council

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

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

Absent: Councilwoman Nancy E. Fellows (**Arrived at 7:17 p.m.**)
Finance Director Joseph G. Mirtel

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to excuse Councilwoman Nancy E. Fellows.

Roll Call: 6 – AYES – unanimous

MOTION PASSES

President Malecek stated that Councilwoman Fellows has been excused or until she may arrive.

Disposition of the Journal Regular Council Meeting of December 11, 2008

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of December 11, 2008 as submitted.

Councilman Reichelt stated that on page 10 of the minutes, the progression of events, toward the end of the page recaps the Motion to authorize the Mayor to advertise for bids for a generator and then it went directly into a discussion that was referenced earlier in the City Engineer's Report, that being a Motion to authorize the Mayor to write a Letter of Intent to the Western Reserve Land Conservancy. In reading this, it appeared to be a bit unclear as to the details as to what this was all about and why this was done. Councilman Reichelt requested that the City Engineer clarify this issue during his Report. Councilman Reichelt feels that it would be beneficial to include this information in the record at this point, so someone could go back and refer to those minutes and understand what the motive and what the benefits were to that Motion.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that the Regular Council Meeting Minutes of December 11, 2008 have been approved as submitted.

Correspondence

- Mayor's Monthly Statement to Council for December 2008
- Letter received from R Five Properties, LLC to President of Council dated January 5, 2009 re: 28915 Chardon Road, Willoughby Hills, Ohio
- Richard Iafelice, City Engineer to Honorable Robert Weger and Members of Council re: January Status Report

Notifications

- Personnel Relations Meeting of January 12, 2009
- Planning and Zoning Commission & Architectural Board of Review Cancellation of December 18, 2008 Meeting
- Planning & Zoning Meeting of January 13, 2009
- Rules & Legislation Committee Meeting of January 5, 2009
- Safety Committee Meeting of January 13, 2009

Minutes

- Planning and Zoning Commission & Architectural Board of Review Meeting of November 20, 2008
- Recreation Commission Meeting of November 5, 2008
- Rules & Legislation Committee Meeting of January 5, 2009

On File

- Willoughby Hills Senior Center – Activity Pages for January 2009/Issue Number 1
- Cities & Villages for November/December 2008

MAYOR'S REPORT – Robert M. Weger

Services

Tax Collection Agency – Letters sent to residents regarding change from CCA to RITA
AARP Tax Form Assistance for Seniors – February 3rd through April 7th
Christmas Tree Disposal – Trees may be brought to at City Hall

Acknowledgments

Opening of Classic BMW and Classic Mini
Willoughby Hills Auto Repair has been selected as Business of the Year by the Willoughby Chamber of Commerce

A Round of Thanks:

Mort and Florine O'Ryan for their assistance with the New Year's Eve Party for the WH Senior
Everyone for their Toys for Tots donations
Everyone who gave blood on January 2nd – record number of donors

Appointments

Rick Motuza, Nick Iarussi, and Rick Helton were re-appointed to serve on the Recreation Commission

Legislation

Supports the legislation before Council this evening

LAW DIRECTOR'S REPORT – Thomas G. Lobe

Provided an update regarding the status of litigation
Ordinance No. 2009-2 – pertaining to the sale of City property

FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel

Finance Director was not present; therefore no formal report was given.

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

Referenced Status Report for January, 2009

Illicit Discharge and Illegal Connection Control Ordinance – need to move ahead with the Ordinance
IT/Dispatch Project – Pre-Construction Meeting was held –coordination of work
SOM Center Road Improvements – TIF Funding

Sanitary Sewer Project – Utilities Committee will need to meet on a regular basis, every two weeks, at least through March – a lot of issues associated with any of these projects– this one in particular, because there are so many unusual properties and such; any delays in schedule cost

Section 594 Federal Grant – City received approval for the first significant draw for re-imbusement of engineering, planning, and administration costs associated with the project

Western Reserve Land Conservancy – At the request of Council, to detail the Letter of Intent, the following information was provided: “at the last Council Meeting (December 11, 2008), the recommendation was made to initiate a Letter of Intent. The purpose of the Letter of Intent was to authorize the Mayor to indicate the City of Willoughby Hills’ willingness to sponsor a project for the Water Resource Restoration Sponsorship Program. By sponsoring a project, there, with using the ECTW Area C Sewer Assessment Project, by using the interest that the City would normally pay, it is converted to principal under this program. The program allows the conversion of interest to principal so that the City can do a Water Quality Enhancement Project. This Water Quality Enhancement Project, the City was requested to sponsor this by the Western Reserve Land Conservancy. It is a project to preserve a bog, a preserve, if you will, in Northeast Ohio”. The City Engineer stated that he does not know the exact location. The benefit to the City is a discount in the interest rate that it would ultimately receive in financing the City’s sewer system improvements through the Ohio EPA.

COMMITTEE REPORTS

FINANCE – Raymond C. Somich, Chair

Committee Members: Nancy E. Fellows, David A. Reichelt

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

PLANNING & ZONING – David A. Reichelt, Chair

Committee Members: David M. Fiebig, Frank A. Germano

The Planning & Zoning Committee has not met; therefore no formal report was given.

- Chairman Reichelt announced that a meeting has been scheduled for January 13, 2009 at 7:00 p.m. to discuss the changes in the Zoning Code. (**Note:** The meeting date and time had been changed; the Committee actually met on January 12, 2009 at 7:30 p.m.)

RECREATION – David M. Fiebig, Chair

Committee Members: Christopher L. Biro, David A. Reichelt

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

- Chairman Fiebig announced that a meeting has been scheduled for January 12, 2009 to discuss Use of Public Land – Chapter 941.

RULES & LEGISLATION – Kevin D. Malecek, Chair

Committee Members: Frank A. Germano, David A. Reichelt

COMMITTEE MEETING OF JANUARY 5, 2009
Members Present: Chair Kevin D. Malecek, Councilman Frank A. Germano, Councilman David A. Reichelt
Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich, Mayor Robert M. Weger
Purpose of the Meeting was to review Pending Legislation and any other business.
Meeting convened at 6:50 p.m.
<i>Order of Business</i>
<ul style="list-style-type: none"> • Ordinance 2009-1: Eliminating Inactive Fund Accounts • Asking it for a long time. Consensus to waive three reading rule and adopt at Council. • Ordinance 2009-2: Sale of Property on Martin Drive Sealed bids will come in and we will make a decision on whether to sell it – take the highest bid – only sealed bids on property. Five weeks – fairest to everyone – times that people cannot make it here for an auction. Could maximize the return to the city if we go ahead and do the auction – can turn down all bids after first one. Probably just a few bidders will try for it.

- \$92,000 minimum price - \$90,000 evaluation appraisal plus recouping administrative costs to City. Legal notices in the newspaper. \$200 to \$250 for a legal ad – recently just changed the law – Villages can do once in paper, then on website. Appraisal zip code is incorrect – not a big deal. Exercise additional advertising on free sites. **Consensus to waive three reading rule and adopt at Council.**
- **Near Future Agenda Items:** Zoning Code Changes, Records Retention, Property Maintenance, Safety/Security Policy for City Hall.

Public Portion

Linda Fulton – gymnasium fund disappeared and where did all that money go? Mayor – still exists, money still goes in. Franchise Agreement with Time Warner – now on state agreement or on U-verse.

Meeting adjourned at 7:14 p.m.

SAFETY – David A. Reichelt, Chair

Committee Members: Christopher L. Biro, David M. Fiebig

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

- Chairman Reichelt announced that a Safety Committee Meeting has been scheduled for January 13, 2009 (**Note:** The meeting date and time had been changed; the Committee actually met on January 12, 2009 at 6:45 p.m.)

SERVICE – Nancy E. Fellows, Chair

Committee Members: Christopher L. Biro, Frank A. Germano

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

UTILITIES – Frank A. Germano, Chair

Committee Members: Nancy E. Fellows, Raymond C. Somich

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

- Chairman Germano announced that a Utilities Committee will be scheduled, as requested by our City Engineer.

PERSONNEL RELATIONS – Christopher L. Biro, Chair

Committee Members: Raymond C. Somich, Mayor Robert M. Weger

The Personnel Relations Committee has not met; therefore no formal report was given.

- Chairman Biro announced that a meeting has been schedule for January 12th to discuss employee compensation and contracts.

WORKING COMMITTEE OF COUNCIL – Kevin D. Malecek, President of Council

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

OTHER COUNCIL REPRESENTATIVE REPORTS

There were no other Council Representative Reports given.

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 7:24 p.m.

1. Robert Kowalsky

2585 Timberline Drive

Re: Ordinance No. 2009-1 – Status of City’s Funds

Public Portion was closed at 7:27 p.m.

UNFINISHED BUSINESS

- Councilman Somich explained the purpose of Ordinance No. 2009-1. Councilman Somich further explained the investigation of the City's accounts.
- Law Director Lobe further commented on the extensive investigation of the City's accounts and outlined the steps taken by the City in requesting assistance in the investigation of the City's financial records.
- Councilman Reichelt provided commentary on the City's due diligence with respect to this issue.
- Law Director Lobe stated Ordinance No. 2009-1 allows the City to come into compliance with the State Auditor's recommendations.

LEGISLATION

ORDINANCE NO. 2009-1

AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO ELIMINATE INACTIVE FUND ACCOUNTS WITH A ZERO BALANCE THEREBY REMOVING THEM FROM THE MONTHLY REPORTING STATEMENTS AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2009-1.

Roll Call: 7 AYES - Unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-1 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to adopt Ordinance No. 2009-1.

Roll Call: 7 AYES - Unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2009-1 has been adopted.

ORDINANCE NO. 2009-2

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE CITY OF WILLOUGHBY HILLS, NOT REQUIRED FOR PUBLIC PURPOSES, PURSUANT TO OHIO REVISED CODE SECTION 721.03 – LEASE OR SALE OF REAL ESTATE – ADVERTISEMENT FOR BIDS.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2009-2.

Roll Call: 7 AYES - Unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-2 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Germano to adopt Ordinance No. 2009-2.

Roll Call: 7 AYES - Unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2009-2 has been adopted.

NEW BUSINESS

Councilman Somich questioned if there was any action taken with respect to the letter received from R Five Properties, LLC. The Law Director responded that this matter is being handled by the Administration. The Law Director met with the property owner, the legal representative for the property owner and the Building Commissioner.

FOR THE GOOD OF THE ORDER

- Councilman Somich announced the following annual event: March for Life is being held at the Great Lakes Mall, this coming Sunday (January 11th) at 2:00 p.m.

- Councilman Reichelt announced the City is offering Winter Ski Trips which have been scheduled for January 19th, January 23rd and February 16th; anyone interested can go to the City's Website www.willoughbyhills.net for more details. **(Correction: City's Website www.willoughbyhills-oh.gov)**

ADJOURNMENT

President Malecek announced for the record that Councilwoman Fellows arrived at 7:17 p.m.

MOTION WAS MADE BY COUNCILMAN REICHELDT, seconded by Councilman Fiebig to adjourn until the next Regular Council Meeting.

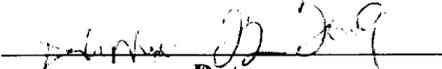
Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Council is adjourned until the next Regular Council Meeting.

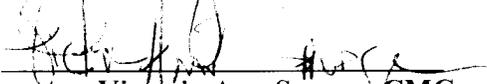
Meeting adjourned at 7:41 p.m.

APPROVED:


Date


Kevin D. Malecek
President of Council

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council