

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
NANCY E. FELLOWS
DAVID M. FIEBIG
FRANK A. GERMANO
RAYMOND C. SOMICH

Regular Council Meeting

Minutes of January 13, 2011

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.

7:00 p.m. Meeting of Council 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, Councilman David M. Fiebig

Absent: Councilwoman Nancy E. Fellows, Mayor Robert M. Weger, City Engineer Richard Iafelice

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

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to excuse Councilwoman Nancy E. Fellows from the Regular Council Meeting of January 13, 2011.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek stated that Councilwoman Nancy E. Fellows has been excused from Regular Council Meeting of January 13, 2011.

Disposition of the Journal Regular Council Meeting of December 9, 2010

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to approve the Minutes of the Regular Council Meeting of December 9, 2010 as submitted.

Roll Call: 6 AYES

President Malecek stated that the Regular Council Meeting Minutes of December 9, 2010 have been approved.

Correspondence

- Mayor's Court Monthly Statement to Council for the Month of December 2010 (Emailed: January 11, 2011)
- Clerk of Council to Robert M. Weger, Service/Safety Director, dated January 4, 2011 (Emailed: January 6, 2011)
- City Engineer's Status Report for January 2011 (Emailed: January 7, 2011)

Notifications

- Board of Zoning Appeals Meeting of January 11, 2011 (Emailed: December 28, 2010)
- Civil Service Commission Meeting of January 6, 2011 (Emailed: January 4, 2011)

- Planning and Zoning Commission & Architectural Board of Review: Cancellation of January 6, 2011 Meeting (Emailed: January 4, 2011)
- Rules & Legislation Committee Meeting of January 10, 2011 (Emailed: January 6, 2011)
- Safety Committee Meeting of January 13, 2011 (Emailed: January 10, 2011)

Minutes

- Planning and Zoning Commission & Architectural Board of Review Minutes of November 18, 2010 (Emailed: January 6, 2011)
- Planning and Zoning Commission & Architectural Board of Review Minutes of December 2, 2010 (Emailed: January 6, 2011)
- Personnel Relations Committee Minutes of December 20, 2010 (Emailed: January 11, 2011)
- Recreation Commission Minutes of December 7, 2010 (Emailed: January 6, 2011)
- Recreation Committee Minutes of December 20, 2010 (Emailed: January 11, 2011)
- Rules and Legislation Committee Minutes of December 20, 2010 (Emailed: January 11, 2011)
- **Safety Committee Meeting of January 13, 2011**

MAYOR'S REPORT – Robert M. Weger

- Mayor Robert M. Weger was not present; therefore no formal report was given.

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

- No formal report was given.

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

- No formal report; closing out of 2010

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

- City Engineer Iafelice was not present; therefore no formal report was given.
- January 2011 Status Report was emailed to the Members of Council on January 7, 2011

FINANCE – Raymond C. Somich, Chair

Committee Members: Nancy E. Fellows, David M. Fiebig

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

PLANNING & ZONING – David M. Fiebig, Chair

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

- The Planning & Zoning Committee has not met; therefore no formal report was given.
- Ordinance No. 2010-39 will remain on Third Reading; would ask Committee Members to meet as soon as possible to continue to review the Master Plan

RECREATION – Nancy E. Fellows, Chair

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

- Councilwoman Nancy E. Fellows was not present; therefore no formal report was given.

RULES & LEGISLATION – Kevin D. Malecek, Chair

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

- The Rules & Legislation Committee Meeting scheduled for January 10, 2011 had been cancelled; therefore no formal report was given for the Committee did not meet.

SAFETY – David A. Reichelt, Chair**Committee Members:****Christopher L. Biro, David M. Fiebig****COMMITTEE MEETING JANUARY 13, 2011**

Members Present: David A. Reichelt, Chair, Councilman Christopher L. Biro, Councilman David M. Fiebig
Also Present: Councilman Germano, Councilman Somich, Council President Kevin D. Malecek, Fire Chief Harmon, Law Director Thomas G. Lobe and Finance Director Frank J. Brichacek, Jr.

Purpose of the Meeting was to discuss Fire Department Vehicle Status and any other business.

Meeting convened at 6:05 p.m.

Order of Business

The Fire Chief was asked to make a presentation about the potential purchase of a Fire Truck which has been identified as a need of the Fire Department. Fire Chief made a rather compelling presentation and demonstrated the need for the truck, but we are probably more concerned with the financing of it; hence a conclusion was not reached during the Committee Meeting. This topic might be further discussed during the Regular Council Meeting or at subsequent Finance Committee Meetings.

Public Portion Opened at 6:57 p.m.

Upon the conclusion of Public Portion the meeting was adjourned at 7:02 p.m.

SERVICE – Christopher L. Biro, Chair**Committee Members:****Nancy E. Fellows, Frank A. Germano**

- The Service Committee has not met; therefore no formal report was given.
- **President of Council stated the City Engineer has requested that a Service Committee Meeting and a Utilities Committee Meeting be scheduled**

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.

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.

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

- 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.

Public Portion was opened at 7:12 p.m.**1. Linda Fulton**

2990 Marcum Boulevard

RE: Public Records request was made for: (1) the balance of the Fire Levy; (2) How much the City gets per year; (3) it was her understanding that the Fire Levy was for equipment, wants to know if it goes towards salaries. Expressed concern with the City wanting to purchase a fire truck without a “plan” in place and before knowing if the City can get the financing; everything is urgent or is an emergency, must be done now.

2. Robert Kowalsky
2585 Timberline Drive

RE: The speed limits have been changed on some of the City's East/West avenues or streets from 35 to 25, is that correct? When did that happen? Discussed the attitude of Council, "get along" and "get going". Personnel Relations Committee Meetings held – no Public Notifications provided. Stated that Council has to go into an Executive Session from within an open meeting, if you can do it another way, then go right ahead. **Public Portion was closed at 7:18 p.m.**

UNFINISHED BUSINESS

- *Councilman Biro addressed Mr. Kowalsky's commentary by stating that it is an issue that we have already discussed. Mr. Kowalsky is right, we did have two meetings, public meetings, that notifications were not provided. For that Councilman Biro apologized. It is something that won't happen again.*
- *The Law Director wanted everyone to understand the big picture and explained that a Committee has the right to adjourn into an Executive Session, a right defined by City Ordinance and State Statute.*
- *Additional comments were made by Councilman Somich pertaining to how meticulously notifications of public meetings have been made and the circumstances in which the two Personnel Relations meetings were called.*
- *President Malecek stated that he has reminded all Committee Chair people and has also notified the Mayor's Office, that the Clerk must be notified of all meetings so that appropriate notice can be given, not only on the City Media, but also to all other media.*
- *Councilman Fiebig accepted Councilman Biro's apology and he is assured that it won't happen again.*
- *Councilman Fiebig addressed the comment made regarding the financing of the fire truck by stating that we have known about this need for years and have been giving it consideration. What was urged in the Safety Committee Meeting was that we immediately hold a meeting to discuss the finances so that the purchase of the fire truck could be consider. Councilman Fiebig offered to meet with Linda after the Council meeting to further discuss her concerns.*
- *Councilman Reichelt stated that perhaps Linda did not attend the entire Safety Committee meeting. There was a pretty compelling case for this; not just being a frivolous purchase. He offered to meet with Linda to further discuss the topic.*
- *Councilman Reichelt also responded to Mr. Kowalsky's comment regarding the speed limits by stating that a Safety Committee Meeting had been held sometime last summer, it was a lengthy meeting with both the Police and Fire Chiefs present.*

President Malecek asked if there were any other items for unfinished business to be discussed this evening; Councilman Reichelt questioned conducting further discussion of the fire truck, would that be in New Business...President Malecek responded that it could be when ever Council wanted it to be, it could be now, it could be in New Business.

- *Discussion pursued pertaining to the purchase of a fire truck with the main focus on the financial feasibility of the purchase; discussion had concluded with Councilman Somich stating that he heard the Finance Director say it would take at least a couple of weeks to gather information, to make the calls to get the information together, a couple of months would be preferred, but Councilman Somich felt that if we are trying to do this with some urgency, a couple of weeks would be acceptable. It is a decision that should not be rushed into.*
- *Councilman Reichelt stated that he wished that the Mayor was here because he would be more compelling. But just remember, that in a month from now, if we decide that we can do it, it will be \$40,000 more.*

LEGISLATION

ORDINANCE NO. 2010-39 – THIRD READING

AN ORDINANCE APPROVING AND ADOPTING THE 2010 MASTER PLAN FOR COMPREHENSIVE LAND USE FOR THE CITY OF WILLOUGHBY HILLS OHIO.

President Malecek stated that Ordinance No. 2010-39 will remain on Third Reading. President Malecek stated that this Ordinance has been redirected to the Planning & Zoning Committee for further discussion.

ORDINANCE NO. 2010-43

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A JANITORIAL SERVICE AGREEMENT WITH CUSTOM CLEANING AND MAINTENANCE; AND DECLARING AN EMERGENCY.

Law Director Lobe stated that based upon the contract, it was recommended to go out to bid, and therefore, he requests that the Members of Council make the vote in the affirmative. The Law Director hoped that the Members would know that now it is a matter of house cleaning and now that the legislation is on record, it needs to be voted down and go back out to bid. The Law Director recommended that the Members of Council make the vote in the positive so that the bill dies, and the City can go out to bid for these types of services.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2010-43.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2010-43 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to adopt Ordinance No. 2010-43.

Councilman Somich asked for just one other point of clarification to understand the problem with this is the fact that the method of payment, because it is now done a different payment than the original deal, it should be going to bid. The Law Director responded that in all fairness to go out to bid and from an auditing, financial and a legal standpoint, the answer is yes that is why even though the motion is made in the positive, you will have to vote no on it. Councilman Somich stated that is the clarification, the difference from the current contract that we have. President Malecek added which is a monthly contract.

Roll Call: 6 NAYS

MOTION FAILS

President Malecek stated that Ordinance No. 2010-43 has been defeated.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to authorize the Mayor to seek bids for Limestone and Asphalt for 2011.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that the motion has been adopted and the Mayor may seek bids for Limestone and Asphalt for 2011.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to authorize the Mayor to seek bids for Janitorial Cleaning Services for City Hall Complex and Community Center.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that the motion has been adopted and the Mayor may seek bids for Janitorial Cleaning Services for City Hall Complex and Community Center.

FOR THE GOOD OF THE ORDER

- Councilman Somich announced the following event:
Society for Rehabilitation – Harlem Legends Do Some ‘Fun’-Raising at Mentor High School
Saturday, January 22, 2011. Anyone interested, may call Mentor High School for ticket information.
- Councilman Biro announced the following event:
Willoughby South High Boosters are having their **Annual Reverse Raffle** this Saturday, January 15th. Anyone interested, may contact Councilman Biro for more information.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to adjourn the Meeting.

Roll Call: 6 AYES – unanimous

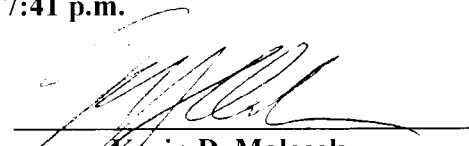
MOTION PASSES

President Malecek declared that this Meeting of Council is adjourned at 7:41 p.m.

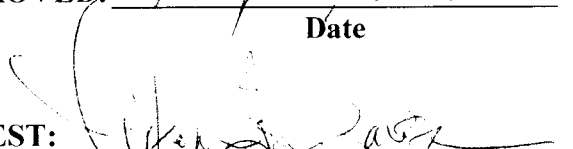
APPROVED:

July 10, 2011

Date


Kevin D. Malecek
President of Council

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council