

City of Willoughby Hills

Regular Council Meeting

Minutes of May 13, 2010

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, 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 April 22, 2010

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to approve the Regular Council Meeting Minutes of April 22, 2010.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Regular Council Meeting Minutes of April 22, 2010 have been approved as submitted.

Correspondence

- Mayor's Monthly Statement to Council for Month Ending April 2010 (Emailed: May 3, 2010)
- Email: Assistant Finance Director Debbie Doles to Members of Council, dated May 10, 2010, **Subject: Financial Reports for the Month of April 2010, consisting of: Purchase Orders, Cash Reconciliation, Fund Change Analysis, Bank Report, Fund Reports (MTD and YTD), Current Expense Report and Revenue Report**
- City Engineer's Status Report for May 2010 (Emailed: May 10, 2010)

Notifications

- Board of Building & Zoning Appeals will not meet on May 11, 2010 (Emailed: May 5, 2010)
- Planning and Zoning Commission & Architectural Board of Review Meeting of May 6, 2010 (Emailed: May 3, 2010)
- Rules & Legislation Committee Meeting of May 10, 2010 (Emailed: May 5, 2010)
- Public Meeting of May 10, 2010 and May 12, 2010 for Property Owners who will receive Sanitary Sewers –as provided by the City Engineer (Emailed: April 1, 2010)

Minutes

- Planning & Zoning Commission and Architectural Board of Review Meeting of April 1, 2010 (Emailed: May 11, 2010)

- **Rules and Legislation Committee Meeting of May 10, 2010 (Emailed: May 11, 2010)**

On File

- Cities and Villages for the Months of March/April 2010
- Willoughby Hills Senior Center Activity Pages for May 2010, Issue Number 5

MAYOR'S REPORT – Robert M. Weger

- Assessment Area “C” – Updates posted on Website
- 91 Signalization/Lane Widening Project
- Maple Grove Slope Repair Project – Pre-Construction Meeting
- Free Mulch still available – limited supply
- LaTourette Conference Washington D.C. to meet with FAA Representatives
- Supports Resolution No. 2010-3 and Resolution No. 2010-4
- Rick Motuza, Recreation Chairman resigned
- Save the Dates:

Monday, May 31st

Memorial Day Ceremony being held at Veteran's Memorial at 11:00 a.m.

Saturday, June 5th

Shred Day in Willoughby Hills from 9:00 a.m. to Noon – 3 boxes per resident permitted

Wednesday, June 16th

United Way – Day of Caring: (2) projects within the City – Painting a House and Constructing a Shed for two senior citizens

Sunday, June 20th

Captain's Game Day – Willoughby Hills Day

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

- Working with Cuyahoga County Prosecutor regarding Public Records Request
- Legal approach working with Assistant Prosecuting Attorney of Cuyahoga County with respect to the ability to move Bishop Road/Richmond Road

FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel

- Tax Budget from County – will be completed and a Public Meeting will be required prior to the adoption by City Council on or before July 15th
- Financial Reports for the Month of April 2010, consisting of: Purchase Orders, Cash Reconciliation, Fund Change Analysis, Bank Report, Fund Reports (MTD and YTD), Current Expense Report and Revenue Report were distributed to Council

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

- Referenced Status Report for the month of April
- Green Ridge Neighborhood – no overflows occurring due to rain were reported and the six property owners made corrections (corrections needed to have been completed by June); will be proceeding into the next neighborhood that being Camelot and Canterbury
- Pre-Construction Meeting was held yesterday with Mr. Excavator, work to begin in June; a 2 months/ten weeks project to be completed the middle of August – County Engineer to handle onsite inspections; CT to administer the project
- Pre-Construction Meeting – ODOT held for SOM Center Improvements
- Installing foundation for lights – main work to begin in August
- Public Meetings held May 10th and May 12th for property owners located in Assessment Area “C” - dealt mainly with drainage and culvert issues

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.
- Announced that the Committee will meet to review Financial Reports for March and April 2010

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.

RECREATION – Nancy E. Fellows, Chair

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

- The Recreation Committee has not met; therefore no formal report was given.
- Reported that Rick Motuza has resigned his Chair position on the Recreation Commission and then the Commission will elect a new Chair at their next meeting to be held June 1st. The Mayor will then look to appoint another member to serve on the Commission
- Ordinance needs to be prepared to transfer funds/profits from the Christmas Card Lane and the Pancake Breakfasts to Fund Account #460

RULES & LEGISLATION – Kevin D. Malecek, Chair

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

| COMMITTEE MEETING MAY 10, 2010 | |
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| Members Present: President Kevin D. Malecek, Chair, Councilman Frank A. Germano, Councilman David A. Reichelt, Councilman Raymond C. Somich | |
| Also Present: Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Mayor Robert M. Weger | |
| Purpose of the Meeting was to discuss <u>Pending Legislation</u> and any other business. | |
| Meeting convened at 6:00 p.m. | |
| <i>Order of Business</i> | |
| <u>Ordinance 2010-16:</u> Keep current composition of Bishop Road Third Reading on Thursday – up for final consideration. | |
| <u>Ordinance 2010-18:</u> Codifying – Campbell Park and Roemisch Fields Following up on the information and motion presented a couple meetings ago regarding the fee changes at the ball fields. Codifying that motion. Waive Three Reading and Adopt at Council. | |
| <u>Ordinance 2010-19:</u> Editing and Codifying Ordinances Need to do this every couple of years to keep editing and codifying of ordinances. Waive Three Reading and Adopt at Council. | |
| <u>Resolution 2010-3:</u> Gwen Thomas Retirement Retiring after 30 years of service – going to come in on May 27 th for presentation. Waive three reading and adopt at Council. | |
| <u>Resolution 2010-4:</u> Academic Decathlon Resolution (proposed) Quite an accomplishment for these students – several WH residents are involved. Waive Three Reading and Adopt at Council. Need Fund Transfers for Recreation Commission – Christmas Card Lane and Pancake Breakfast. Consider in Finance/Rules for consideration at May 27 th meeting. | |
| <i>Public Portion</i> | |
| No one came forth. | |
| Meeting adjourned at 6:09 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.

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.

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 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 7:18 p.m.

1. Robert Kowalsky

2585 Timberline Drive

Re: Foreclosures; Fees for the Collection of Sewer Assessments

Public Portion was closed at 7:23 p.m.

UNFINISHED BUSINESS

- Councilman Somich replied to comments made during Public Portion pertaining to fees for the collection of sewer assessments.
- Law Director Lobe replied to comments made during Public Portion with respect to Foreclosures.

LEGISLATION

ORDINANCE NO. 2010-16 – THIRD READING

AN ORDINANCE ASSERTING THE CITY OF WILLOUGHBY HILLS' LEGAL RIGHT TO KEEP BISHOP ROAD AS IT NOW EXISTS, FREE FROM APPROPRIATION ON A BASIS OF A RIGHT WHICH IS EXPRESSED SPECIFICALLY WITHIN THE FRAME OF SECTION III, ARTICLE 18 OF THE OHIO CONSTITUTION.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Biro to adopt Ordinance No. 2010-16.

President Malecek stated that this could be a major “salvo” in the battle against the Airport. Councilman Biro thanked Law Director Law for his continued effort on this airport issue; talking to the County, talking to the Airport. We have not dropped this issue, we are negotiating with them to see if the City can legally try to avoid any type of expansion and try to keep the airport within its limits and the Law Director has been working very hard on it and his efforts are appreciated.

Law Director stated that he is in communications with the Richmond Heights Law Department who is doing this in conjunction with him but are letting him take the lead. Richmond Heights has been kept in the loop with the same arguments and they are ready to proceed on this...they passed their legislation earlier; however we technically prepared the legislation for them. They are following up in Highland Heights and are in “concert” with Mr. Lobe. Mr. Lobe stated that he was requested to do this because he was not in their county.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2010-16 has been adopted.

ORDINANCE NO. 2010-18

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES & PUBLIC SERVICES, TITLE FIVE – OTHER PUBLIC SERVICES, CHAPTER 941 – USE OF PUBLIC PROPERTY, SECTION 941.05 – CAMPBELL PARK AND 941.06 – ROEMISCH FIELDS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2010-18.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2010-18 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to adopt Ordinance No. 2010-18.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2010-18 has been adopted.

ORDINANCE NO. 2010-19

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2010-19.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2010-19 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to adopt Ordinance No. 2010-19.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2010-19 has been adopted.

RESOLUTION NO. 2010-3

A RESOLUTION OF APPRECIATION TO GWEN THOMAS FOR 30 YEARS OF DEDICATED SERVICE TO THE CITY OF WILLOUGHBY HILLS.

Councilman Reichelt stated that before his moves to waive a rule, there were some minor modifications made to the wording on this Resolution and would request a ruling from the Law Director as to whether the modifications were substantive. Law Director Lobe recommended suspending the Two Day Notification.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Somich to suspend the Two Day Notification Rule for Resolution No. 2010-3.

Councilman Reichelt stated the reason that the modifications were done was that he felt that the description that was in the original was not quite up to what we felt and he took it upon himself, having experience in that industry, to write a little more detail about what she did.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Two Day Notification Rule for Resolution No. 2010-3 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Biro to suspend the Three Reading Rule for Resolution No. 2010-3.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Resolution No. 2010-3 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Biro to adopt Resolution No. 2010-3.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Resolution No. 2010-3 has been adopted.

RESOLUTION NO. 2010-4

A RESOLUTION COMMENDING THE WILLOUGHBY SOUTH HIGH SCHOOL ACADEMIC DECATHLON TEAM ON THEIR PERFORMANCE AT THE US NATIONAL ACADEMIC DECATHLON.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Resolution No. 2010-4.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Resolution No. 2010-4 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to adopt Resolution No. 2010-4.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Resolution No. 2010-4 has been adopted.

NEW BUSINESS

- City Engineer reported that ODOT will be posting ARRA (American Recovery and Reinvestment Act) signs

FOR THE GOOD OF THE ORDER

- Councilman Fiebig announced Mentor City Council will be hosting a Katie Spatz Day on May 18th from 5:00 p.m. to 6:30 p.m. at the Mentor Senior Center
- Councilman Somich announced the annual Wellness Fair will be held at Breckenridge on Friday, May 21st
- Councilman Somich announced that Pat O'Brien Chevrolet will be hosting Kid's Safety and Family Day on May 22nd from Noon till 3:00 p.m. The City will be doing the Kid's Identifications and this event is free to the public
- Councilman Reichelt added that information pertaining to the Wellness Day can be found on Channel 12 and clarified that the event is being held from 10:00 a.m. to 4:00 p.m.

ADJOURNMENT

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

Roll Call: 7 AYES – unanimous

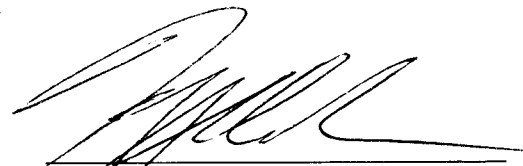
MOTION PASSES

President Malecek declared that this Meeting of Council is adjourned.

Meeting adjourned at 7:37 p.m.

APPROVED: _____

Date


Kevin D. Malecek
President of Council

ATTEST: _____


Victoria Ann Savage, CMC
Clerk of Council