

City of Willoughby Hills

Regular Council Meeting

Minutes of May 22, 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.

7:05 p.m. Meeting called to order by President of Council, Pro-tem David A. Reichelt

Pledge of Allegiance

Roll Call of Council

Members Present: Councilman Frank A. Germano, 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, City Engineer Richard Iafelice, Clerk of Council Victoria Ann Savage

Absent: President of Council Kevin D. Malecek, Finance Director Joseph G. Mirtel

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to excuse President of Council Kevin D. Malecek.

Roll Call: 6 AYES - unanimous **MOTION PASSES**

President Pro-tem Reichelt stated that President Kevin D. Malecek has been excused.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to appoint Councilman Christopher L. Biro to serve as Vice President of Council, Pro-tem.

Roll Call: 5 AYES – with Councilman Biro abstaining **MOTION PASSES**

President Pro-tem Reichelt stated that Councilman Biro shall serve as Vice President Pro-tem.

Disposition of the Journal **Regular Council Meeting of April 24, 2008**

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of April 24, 2008 as submitted.

Roll Call: 5 AYES – with Councilwoman Fellows abstaining **MOTION PASSES**

President Pro-tem Reichelt declared that the Regular Council Meeting Minutes of April 24, 2008 have been approved.

Correspondence

- Mayor Weger to Council, Council Clerk and Law Director Lobe, dated May 9, 2008 re: Correspondence from Cuyahoga County Commissioners to Lake County Commissioners/Re: Proposed Sale of Cuyahoga County Airport
- Email from Richard Iafelice to City Administration and Members of Council, dated May 12, 2008 re: ODOT-Chardon Road Resurfacing

- Mayor Weger to Council and Council Clerk, dated May 12, 2008 re: Airport Information from Robert Boyle, Ex-Mayor of Richmond Heights
- Mayor Weger to All Departments, Council, Council Clerk, Boards & Commissions, dated Wednesday, May 14, 2008 re: Communications Medium Policy
- **FINANCIAL REPORTS: CASH RECONCILIATION, CONSOLIDATED FUND STATEMENT, PURCHASE ORDERS FOR THE MONTH OF APRIL 2008**

Notifications

- Board of Building and Zoning Appeals Meeting Agenda for May 13, 2008
- Charter Review Commission Meeting of May 14, 2008
- Charter Review Commission Meeting of May 28, 2008
- Civil Service Commission Meeting of May 29, 2008
- Planning & Zoning Commission and Architectural Board of Review Meeting of May 15, 2008
- Planning & Zoning Committee of Council Meeting of May 22, 2008
- Rules & Legislation Committee of Council Meeting of May 19, 2008
- **LAKE COUNTY GENERAL HEALTH DISTRICT RE: ANNUAL MOSQUITO CONTROL OPEN HOUSE SCHEDULED FOR TUESDAY, JUNE 24, 2008**
- **LAKELAND COMMUNITY COLLEGE: LAKE COUNTY ELECTED OFFICIALS INSTITUTE SCHEDULED FOR FRIDAY, JUNE 6, 2008**

Minutes

- Board of Building & Zoning Appeals Meeting of April 8, 2008
- Charter Review Commission Meeting of April 30, 2008
- **Planning & Zoning Committee Meeting of May 22, 2008**
- **Rules & Legislation Meeting of May 19, 2008**
- **Working Committee of Council Meeting of May 9, 2008**

File

- Mary Taylor, CPA, Auditor of State, General Purpose External Financial Statements for the Year Ended December 31, 2006
- The Housing Research & Advocacy Center to Ms. Victoria Savage, Clerk, dated May 2008 re: State of Fair Housing in Northeast Ohio: April 2008
- Andrew A. Unetic, Finance Director to Councilman Germano and Michael Germano, dated August 21, 2007 re: Tax Exempt Status
- Gloria Majeski, Mayor's Assistant to Mayor Weger, dated May 16, 2008 re: ODOT Lake County Government Day Program
- Mayor Robert M. Weger to Ohio Environmental Protection Agency – DEFA, dated May 12, 2008 re: City of Willoughby Hills/Assessment Area "C" – General Plan (WPCLF Loan No. CS 392310-04)

MAYOR'S REPORT – Robert M. Weger

- **Residents First Program**
 - Ohio Department of Transportation Resurfacing of Route 6 – Chardon Road to begin June 6th
 - Traffic Light – City of Willoughby provided (on loan) control lights and box
 - 14th Annual Elected Officials Conference held in Washington, D.C. on May 8th and May 9th. FAA Officials explained the process that is followed when requests to expand an airport are received by their office; City Officials made their position clear to the FAA. Zip Code issue (identify both zip codes 44094 and 44092 as legitimate City codes) was addressed and will be further researched.
 - Website – new feature, Council Agendas, Minutes, Ordinances and Resolutions can be accessed on the through "City Council"
 - Fifth Third Bank – Grand Opening Day Ceremony and Open House scheduled for June 6th from 4:00 p.m. to 6:00 p.m.

• **Upcoming City Events**

- May 10th – 25th – Willoughby Hills VFW Post #4358 Annual Buddy Poppy Sale – Veterans will be selling at Sam’s Club, Gales, Giant Eagle, and Manhattan Deli
- May 26th – Memorial Day Ceremony – Guest Speaker Senator Tim Grendall
- June 7th - Household Hazardous Waste Collection (i.e. automobile oil, paint, paint thinners, chemicals) held at Lake County Fairgrounds from 9:00 a.m. to 3:00 p.m.
- June 14th - Farewell to Garfield School, sponsored by Fifth Third Bank
- June 28th - Community Day (final year) – Parade Marshall will be Corporal Joseph Klepac
- June 29th – Lion’s Club “Run for the Hills”
- September 13th - First Annual Steak and Corn Roast to be held in conjunction with the City Flea Market, the ever-popular Touch-a-Truck and Fireworks!

Proclamation

The Mayor presented a Proclamation to Stanley and Caroline Oshaben in recognition of their 60th Wedding Anniversary.

Proclamation

The Mayor presented a Proclamation to Fire Chief Richard Harmon and to Sandy Lasko in recognition of EMS Week, May 18th through May 24th.

• **Functions Attended**

- Lake County Council on Aging held their Induction into the Hall of Fame. The Council on Aging established the Lake County Senior Citizens Hall of Fame in 1994. The Hall of Fame publicly honors outstanding older Lake County residents, recognizes their vital contributions to the community, and promotes a positive and productive image of older persons.
- Lake County Fire Chief’s Association – Media Day

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

- No formal report was given.
- Requested an Executive Session to address pending litigation entitled “Miles vs. City of Willoughby Hills”

FINANCE DIRECTOR – Joseph G. Mirtel

- The Finance Director was not in attendance; therefore no formal report was given.
- Mayor stated that the Finance Reports were distributed to Council and requested that a Finance Committee Meeting be scheduled to further review the reports.

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

- Chardon Road – ODOT Project
- Requested a Utilities Committee Meeting be scheduled to address the following items: (1) ECTW-C Sanitary Sewer Design Issues, (2) Proposed Individual Sewer Assessment to the Alberty Property on Bishop Road and (3) Sewer Planning Study – Maplegrove/Eddy Road Area
- Ohio EPA awarded Grant in the amount of \$253,725 to the Lake County Stormwater Management Department for stream restoration of Red Fox Pass and Kennelly Drive. The City obligated to share the project by and through the funds that would be coming through the Lake County Stormwater Management Department. This project will obligate a couple years of funding
- Ohio Public Works Commission - anticipating a double round for “Round 23” and has extended the deadline for pre-application package from the end of this month to June 13th. Suggested that a Service Committee be scheduled to review strategy for OPWC Funding of Capital Projects.

COMMITTEE REPORTS

FINANCE – Raymond C. Somich

- The Finance Committee has not met; therefore no formal report was given.
- Announced that a Finance Committee Meeting will be scheduled to further review the April Financial Reports.

PLANNING & ZONING – David A. Reichelt

COMMITTEE MEETING OF MAY 22 2008

Members Present: Chairman David A. Reichelt, Councilman David M. Fiebig, Councilman Frank A. Germano

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Mayor Robert M. Weger

Purpose of the Meeting was to review Ordinance No. 2008-15 – Protected Areas Regulations and any other business.

• **Meeting convened at 6:08 p.m.**

Protected Areas Regulations (Ordinance No. 2008-15) was the topic of discussion. This issue (Ordinance) was already reviewed and approved by the Planning & Zoning Commission. Additional commentary was taken under advisement; therefore the Committee did not come to a census, nor did the Committee stride to do that this evening. An additional meeting will be called prior to the next Regular Council Meeting (June 12, 2008).

Meeting Adjourned at 6:57 p.m.

RECREATION – David M. Fiebig

- The Recreation Committee has not met; therefore no formal report was given.
- Announced that a Recreation Committee Meeting has been scheduled for Monday, June 9th.

RULES & LEGISLATION – President Kevin D. Malecek

- **In the absence of President Kevin D. Malecek, the report was given by President Pro-tem David A. Reichelt.**

COMMITTEE MEETING OF MAY 19, 2008

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

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Mayor Robert M. Weger

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

Meeting convened at 7:02 p.m.

• No legislation under consideration for meeting of May 19, 2008 to be voted upon. Legislation still in this Committee: Fire Department Reorganization resolution and discussion of an Ordinance on the Community Center Rates – this will be referred to the Recreation Committee for further review at this time.

• Minor discussion on fees/policies for Community Center – need to officially codify items for the Community Center – tighten up Rules and Regulations – do not get deposit back if you do not clean up the building, etc – additional policies under consideration. Schedule a Recreation Committee Meeting. **Fiebig** – Thursday meeting throw out a date or two. **Fiebig** – in Recreation Commission subcommittee there are some Recommendations on fees – were in there once. Took out at the recommendation of the Mayor – thought it would be more marketable.

Public Portion

Former Mayor O’Ryan – former Community Center Policies and Procedures Manual – started out with Recreation Directors from Cities – probably have the one that was adopted – awful lot of work – many changes that made sense when we passed it – not happy we gave the Mayor authority to change it – resent the changes that were made. Flyer in the Community Room – every room had a container – did much to rent the rooms out – dollar amount should be on there – Waite Hill Councilman – have all family events there from now on – facilities were so great. Who pays and who does not pay – talk to you briefly about all organizations. Most all pay – project that makes money for someone.

Florine O’Ryan – first did this – every single facility – all their advisors – went back to several cities – new brochures and items – updates, why they change some rules – only do things through trial and error – most have changed deposits, fees, policemen.

Meeting Adjourned at 7:16 p.m.

SAFETY – David A. Reichelt

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

SERVICE – Nancy E. Fellows

- Councilwoman Fellows was absent; therefore no formal report was given.
- Announced that a Service Committee Meeting will be scheduled; a date and time will coordinated with the City Engineer.

UTILITIES – Frank A. Germano

- The Utilities Committee has not met; therefore no formal report was given.
- Announced that a Utilities Committee will be scheduled; a date and time will be coordinated with the City Engineer.

PERSONNEL RELATIONS – Christopher L. Biro

- Councilman Biro was absent; therefore no formal report was given.

WORKING COMMITTEE OF COUNCIL – President Kevin D. Malecek

- In the absence of President Kevin D. Malecek, the report was given by President Pro-tem David A. Reichelt.

COMMITTEE MEETING OF MAY 9, 2008

**Members Present: Chairman Kevin D. Malecek, Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Vice President David A. Reichelt, Councilman Raymond C. Somich
Also Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, Director of Airport Planning and Programming Benito DeLeon and Congressional Liaison Gregory R. Rasnake, Manager of Government Relations (USPS) Mitch King and Congressman Steven LaTourette**

Purpose of the Meeting was to review FAA Regulations and any other business.

Meeting was held in the Cannon House Office Building, located in Washington, D.C. and convened at 2:30 p.m.

- At our own expense, the Mayor, Law Director and City Council members went to Washington, D.C. on May 9th to meet with Officials from the Federal Aviation Administration and Congressman Steven LaTourette about the proposed expansion of the Cuyahoga county Airport. The FAA Officials explained the process that is followed when requests to expand an airport are received by their office. Our city Officials made their position abundantly clear to the FAA Representatives and were assured that the City of Willoughby Hills would be included in any future discussions regarding expansion.

Meeting Adjourned at 3:30 p.m.

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 Pro-tem Reichelt opened public portion at 7:39 p.m.

1. Faye Sivazlian
37250 Chardon Road
Re: Property Identification not accurate, property lumped together and some property listed as “zero acreage” – doesn’t understand how property identification was changed
2. Robert Kowalsky
2585 Timberline Drive

Re: Referenced Memo from former Finance Director Andrew Unetic, dated August 2007 to Councilman Germano and to Michael Germano – address the intent to fraud the City; Cuyahoga County Airport - acquiring property; stop fighting and start negotiating

With no further commentary coming forth from the public, President Malecek closed Public Portion at 7:45p.m.

UNFINISHED BUSINESS

- **Law Director Lobe responded to Ms. Sivazlian by offering to coordinate the issue with her and further explained that the nomination of permanent parcels number is basically to the exclusive jurisdiction of the Lake County Auditor’s Office. Mr. Lobe said that he would be happy to coordinate that with them, but they are the ones that identify all properties with a permanent parcel number, they are the ones by statute that are empowered to do so, they do all the taxation issues. Mr. Lobe further stated that this was not a Municipal matter, it is a County matter. Mr. Lobe again offered to coordinate this with Ms. Sivazlian or her legal representative.**
- **Law Director Lobe responded to Mr. Kowalsky’s comments and concerns with respect to the Memorandum of former Finance Director Andy Unetic, dated August 21, 2007. Issue dealt with a request for a tax exemption, no public monies were ever given, no less tax was paid and it was a request which was denied.**

LEGISLATION

- **There was no legislation for Council’s consideration.**

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adjourn to Executive Session after the conclusion of “For the Good of the Order, inviting the Mayor and the Law Director. The City Engineer would be excused at that time.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Pro-tem Reichelt stated that Council will adjourn into Executive Session following “For the Good of the Order”, inviting the Mayor and the Law Director has been adopted.

FOR THE GOOD OF THE ORDER

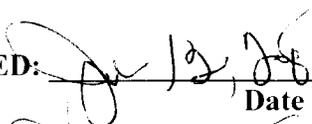
- Councilman Somich announced that he attended a meeting of the League of Women’s Voters and one of our very own residents Clara Morris was commended with various proclamations for fifty years of service to the League of Women’s Voters. Councilman Somich wanted to extend his congratulations to Clara for her good service to our community.
- Councilman Somich announced the County Housing Services Coalition Annual Report to be given to the community to be held on Thursday, May 29th at Pine Ridge Country Club. This is the fourth year in which this type of annual report has been given. The report consists of all the different support services that are offered in Lake County. Special guest speaker will be Steven LaTourette
- Councilman Somich thanked the Mayor for re-instating the authority for the Veteran’s Memorial to the Veteran’s Memorial Commission, (chaired by Larry O’Donnell and Former Mayor Mort O’Ryan).
- Councilman Biro thanked the Mayor and the Service Department for all their hard work on the baseball fields. The fields look great.
- Mayor Weger announced that the City of Willoughby Hills will be participating in the United Way’s “A Day of Caring”. The City will be doing a service project within the City to help a resident in need. This year’s “Day of Caring” is scheduled for June 18th.
- Councilman Reichelt stated that he was honored to be able to be shoulder to shoulder with the City’s Safety Forces, with people who have saved lives on spontaneous emergencies.

- Councilman Reichelt stated that we now have Council Agendas, Minutes, Ordinances and Resolutions posted on the City's Website. The Community now has ready access to the documents.
- Councilman Reichelt reminded everyone that the time of the Memorial Services will begin at 11:00 a.m. and will be held outside this year, across from the Fire Station at the Veteran's Memorial. We look forward to a great turnout for a real nice affair which we have missed over the last several years.

Members of Council, the Mayor and the Law Director adjourned into Executive Session at 7:57 p.m. President Pro-tem Reichelt reconvened the Regular Council Meeting of May 22nd at 8:37 p.m. with all Members of Council present along with the Mayor and the Law Director.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Somich to adjourn.
 Roll Call: 6 AYES – unanimous MOTION PASSES

Meeting adjourned at 8:37 p.m.

APPROVED:  _____
 Date


 Kevin D. Malecek
 President of Council

ATTEST:  _____
 Victoria Ann Savage
 Clerk of Council