

City of Willoughby Hills

Regular Council Meeting

Minutes of May 26, 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.

Meeting Called to Order at 7:00 p.m. by President of Council Kevin D. Malecek

Pledge of Allegiance

Roll Call of Council

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

Absent: Law Director Thomas G. Lobe, City Engineer Richard Iafelice

Also Present: Mayor Robert M. Weger, Finance Director Frank J. Brichacek, Clerk of Council Victoria Ann Savage

Disposition of the Journal Regular Council Meeting of April 14, 2011

President Malecek stated that the Regular Council Meeting Minutes of April 14, 2011 will be considered at the next Regular Council Meeting for the minutes were just distributed to the Members of Council.

Correspondence

- Email: From WHB dated May 10, 2011 re: White Road
- Email: Response of the City Engineer to WHB dated May 10, 2011 re: White Road
- Email: Linda Fulton, dated May 16, 2011 re: Fred Wyss
- Email: Response from Council Office, dated May 16, 2011 and the Response from Councilman Fiebig, dated May 17, 2011 re: Fred Wyss
- Clerk of Council to Robert M. Weger, Service/Safety Director, dated May 18, 2011 re: Ohio Division of Liquor Control – C NEW 8856900
- Mayor Robert M. Weger to Clerk of Council, dated May 23, 2011 re: Agreement of Purchase & Sale, 35305 Chardon Road

Notifications

- Planning and Zoning Commission & Architectural Board of Review Meeting of May 5, 2011 (Emailed: May 17, 2011)
- Rules & Legislation Committee Meeting of May 23, 2011 (Emailed: May 20, 2011)

Minutes

- Rules and Legislation Committee Minutes of May 23, 2011 (Emailed: May 24, 2011)

On File

- The State of Fair Housing in Northeast Ohio: April 2011 Report

MAYOR'S REPORT – Robert M. Weger

- Assessment Area “C” Sewer Update – Restoration and Street Paving; New subcontractor Ronyak Paving
- City Newsletter mailed on Wednesday; Thanked: CT Consultants, Classic Auto Group, University Hospitals, Cleveland Clinic, Willoughby Hills Auto Repair – all were major sponsors
- City Hall Brush Pile – Relocated at Roemisch Fields
- Fall Corn Fest – businesses who have stepped up with Sponsorships
- **Acknowledgements**
 - City Newsletter sponsors – including CT Consultants, Classic, University Hospitals, Cleveland Clinic and WH Auto Repair
 - Fall Corn Fest – businesses who have stepped up with Sponsorships
 - Larry O’Donnell – planning Memorial Day Ceremony
 - Support tonight’s Resolution for Peg Moran
- **Upcoming Events**
 - Memorial Day Ceremony – Monday, May 30th at 11:00 a.m. at Memorial – If raining, will move inside Community Center
 - Captains Day at Classic Park – Sunday, June 5th, 1:00 p.m. – all tickets are \$5.00
 - United Way – Day of Caring – Wednesday, June 22nd – Volunteers welcomed!
 - Safety Town – applications now being taken for children entering Kindergarten – to be held July 18th – 22nd
 - Corn Fest – September 10th and 11th – Car Raffle is the major funding source of the Corn Fest and tickets are available at City Hall

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

- Law Director was absent; therefore no formal report was given.

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

- No formal report was given.

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

- City Engineer was absent; therefore no formal report was given.

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 a Finance Committee Meeting will be scheduled to review the Financial Reports

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.
- Announced that a Planning & Zoning Committee will be scheduled to review the proposed Master Plan

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.

RULES & LEGISLATION – Kevin D. Malecek, Chair

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

COMMITTEE MEETING MAY 23, 2011

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

Also Present: Councilman Christopher L. Biro, Councilman Raymond C. Somich, Mayor Robert M. Weger

Purpose of the Meeting was to discuss Pending Legislation and any other business.
Meeting convened at 6:47 p.m.
<i>Order of Business</i>
<u>Ordinance 2011-32: Sewer Rate Ordinance</u> – remaining on Second Reading.
<u>Ordinance 2011-33: Maintain Positive Account Balances/Reappropriations</u> Amount would be taken away from 2010 carry-over, and would be partially financed from the selling of the property on Martin. Consensus to waive Three Reading Rule and Adopt at Council.
<u>Ordinance 2011-34: Purchase Agreement for House at 35305 Chardon Road</u> <u>Add amendment:</u> Whereas added to recognize the selling of municipally owned property on Martin Drive helped to finance the purchase of this property adjacent to City Hall. Consensus to waive Three Reading Rule and Adopt at Council.
<u>Ordinance 2011-35: Employment Provisions – Error on Fire Secretary’s Range</u> <u>Add amendment to Whereas clause 4:</u> Whereas, it was determined that after the passage of <u>Ordinance 2011-31</u> , the compensation.... Consensus to waive Three Reading Rule and Adopt at Council.
<u>Ordinance 2011-36: Reaffirm Participation in CDBG Program</u> <u>Add amendment to Caption</u> – change “Their Commitment” to “the City’s Commitment.” Consensus to waive Three Reading Rule and Adopt at Council.
<u>Resolution 2011-2: Honoring Margaret Morgan for Service to WH</u> Consensus to waive Three Reading Rule and Adopt at Council.
<i>Public Portion</i>
<i>Frank Cihula – monetary difference in the two properties? About \$30,000. Landlord thinks it is in rentable. Linda Fulton – why is the property being purchased? Various zoning and development considerations. Service Department work – fixing roads. Outline of the Summer – ditches need to be cut and cleaned.</i>
Meeting adjourned at 7:07p.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.
- Announced that a Service Committee will be scheduled, will coordinate date with City Engineer.

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.
- Announced that a Utilities Committee will be scheduled for June 6th ; time to be announced.

PERSONNEL RELATIONS – Christopher L. Biro, Chair

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

- The Personnel 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

- Councilman Somich stated that Councilman Reichelt has been very involved with the Noise Abatement Committee through the Cuyahoga County Airport and partially through the efforts of Councilman Reichelt; the Cuyahoga County Airport offered Council Members the opportunity to go through and spend some time in the Air Tower. Councilman Somich stated that he was not sure if any of his colleagues were able to take advantage of the opportunity, but he toured the Air Tower earlier this evening prior to this Council Meeting. It was a real eye opening experience to see how that works over there and to know the conscientious attitude that is in place within that facility. Councilman Somich wanted to thank Councilman Reichelt for helping to put that together and to also let him know that he was the obvious talk of much conversation today relative to his efforts with the corporate and with all the different chartered flights and operations in terms of what work he is doing. There is definitive consensus that there is more cooperation today than there ever has been. The Director has been there for thirty years and he says that he has never had the cooperation of the communities and the different pilots as there is now. Councilman Somich believes that it has a lot to do with the work of the Committee led by Councilman Reichelt.

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 7:14 p.m. and with no one coming forth from the Public Sector was promptly closed at 7:14 p.m.

UNFINISHED BUSINESS

- **There was no unfinished business brought forth for the consideration of Council**

LEGISLATION

ORDINANCE NO. 2011-32 – SECOND READING

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES, AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 923 – SEWER RATES, SECTION 923.01 – SEWER RATE CHARGES ESTABLISHED, SUBSECTION (c) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Malecek stated that Ordinance No. 2011-32 will remain on Second Reading.

ORDINANCE NO. 2011-33

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2011-10 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2011-33.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-33 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2011-33.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-33 has been adopted.

ORDINANCE NO. 2011-34

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT OF PURCHASE AND SALE FOR PROPERTY LOCATED AT 35305 CHARDON ROAD, WILLOUGHBY HILLS, OHIO AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2011-34.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-34 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Somich to adopt Ordinance No. 2011-34.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-34 has been adopted.

ORDINANCE NO. 2011-35

AN ORDINANCE AMENDING THE WILLOUGHBY HILLS COMPENSATION SCHEDULE A OF CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS SECTION 157.01 – COMPENSATION; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2011-35.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-35 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to adopt Ordinance No. 2011-35.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-35 has been adopted.

ORDINANCE NO. 2011-36

AN ORDINANCE AUTHORIZING THE MAYOR TO REAFFIRM THE CITY’S COMMITMENT WITH THE LAKE COUNTY BOARD OF COMMISSIONERS TO PARTICIPATE IN THE URBAN ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND FOR THE UTILIZATION OF FUNDS MADE AVAILABLE BY THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED, AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2011-36.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-36 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Fellows to adopt Ordinance No. 2011-36.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-36 has been adopted.

RESOLUTION NO. 2011-2

A RESOLUTION HONORING MARGARET MORGAN FOR HER MANY YEARS OF SERVICE TO THE CITY OF WILLOUGHBY HILLS.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to suspend the Three Reading Rule for Resolution No. 2011-2.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Resolution No. 2011-2 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to adopt Resolution No. 2011-2.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Resolution No. 2011-2 has been adopted.

NEW BUSINESS

- There was no new business brought forth for the consideration of Council

FOR THE GOOD OF THE ORDER

- Councilman Somich announced the following events:
 - Edison Elementary School having Annual Fun Run and Walk to take place this Saturday Morning at 9:00 a.m. Call Edison Elementary for more information.
 - The week of June 6th is Senior Games and Activities – sponsored every year by Lake Metroparks. It is fitness based and goes on the entire week. For more information, contact Lake Metroparks.
- President Malecek announced that Councilman Somich had a Birthday this week; happy B-Day!
- Councilman Reichelt announced that there will be a Memorial Day Ceremony held across the street at the Veterans Memorial on Monday, May 30th beginning at 11:00 a.m.
- Councilman Fiebig wanted to mention that a lot of students will be transitioning to their next level of school, whether it is the Middle School to High School, or High School to College – just wanted to extend congratulations to all those students who are graduating. With Memorial Day coming up, it is a time to remember those who gave for the freedoms that we have – just want to pause to remember those this Memorial Weekend and have a wonderful Memorial Weekend and a Happy Summer!

ADJOURNMENT

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Reichelt to adjourn the Meeting.

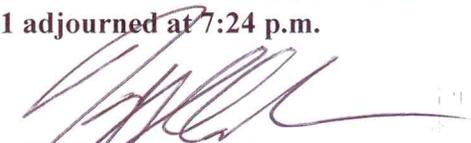
Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared the Regular Council Meeting of May 26, 2011 adjourned at 7:24 p.m.

APPROVED: _____


Date



Kevin D. Malecek
President of Council

ATTEST: _____


Victoria Ann Savage, CMC
Clerk of Council