

City of Willoughby Hills

Regular Council Meeting Minutes of October 23, 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.

7:00 p.m. Meeting called to order 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 of Council Kevin D. Malecek

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 September 25, 2008**

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to approve the Regular Council Meeting Minutes of September 25, 2008 as submitted.

Roll Call: 7AYES

MOTION PASSES

President Malecek declared that the Regular Council Meeting Minutes of September 25, 2008 have been approved as submitted.

Regular Council Meeting of October 9, 2008

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of October 9, 2008 as submitted.

Roll Call: 7AYES

MOTION PASSES

President Malecek declared that the Regular Council Meeting Minutes of October 9, 2008 have been approved as submitted.

Correspondence

- Joseph G. Mirtel, Finance Director to Mayor Weger and Council, dated October 20, 2008 re: Donation
- Email: Gil Martello, Resident to Members of Council, dated October 16, 2008 re: Comments regarding Charter Amendments

Notifications

- Planning & Zoning Commission and Architectural Board of Review Meeting of October 16, 2008
- Recreation Committee Meeting of October 20, 2008

- Rules & Legislation Committee Meeting of October 20, 2008
- Lakeland Community College Seminar: ***Proactive School Security & Emergency Preparedness Planning + Extreme Crisis Communications*** to be held October 30th from 8:00 a.m. to 12:30 p.m.

Minutes

- ***Recreation Committee Meeting of October 20, 2008***
- ***Rules and Legislation Committee Meeting of October 20, 2008***

MAYOR'S REPORT – Robert M. Weger

- The Mayor reported on the following City Services and Events:
 - Charter Review Town Hall Meeting – Monday, October 27th at 7:00 p.m. to be held at the WH Community Center
 - Leaf Pick will begin October 24th
 - Eddy Road Sewer Project
 - Alan Drive – Storm Sewer Drainage Ditch
 - Rockefeller Road Project completed and seeded
 - Flu Shots for Seniors – Friday, November 17th at the WH Senior Center from 10:00 a.m. to 1:00 p.m. – sponsored by CVS
 - Surplus Vehicles will be available for Internet Auction
 - Acknowledged resident Nancy Lewis is the Champion 2008 National Equestrian Adult Amateur Rider
 - Thanked Florine O’Ryan for planning and organizing the Senior Health Workshop
- Upcoming City Events
 - October 26th – Halloween Party to be held at the WH Community Center
 - October 31st – City’s Trick or Tricking
 - November 11th – Veteran’s Day
 - November 14th – Joshua’s Jam
 - Christmas Card Lane Applications available on City’s Website
 - December 13th Breakfast with Santa to be held at the WH Community Center
- Legislation
 - Ordinance No. 2008-77 – City’s Insurance Policy Renewal

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

- No formal Report was given.

FINANCE DIRECTOR – Joseph G. Mirtel

- Ordinance No. 2008-77 – recommended the City take the option of \$1,000.00 finance charge for the ability of making (4) installment payments for reason that the City currently does not have the appropriations for the full amount. The Finance reviewed the quote and feels that is a fair price.

President Malecek stated that what the Finance Director was referring to was the appropriation of \$90,000 stated within Ordinance No. 2008-77 was going to have to be increased to \$91,000.00 to cover the finance charge. President Malecek gave kudos to the Finance Director for his negotiating skills in reducing said finance charge.

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

- Goldberg Release Agreement – Vacation of Easements
 - Prepared draft legislation to be reviewed by Clerk of Council and the Law Director
- Resolution to Support Balance Growth Plan Initiative – Chagrin River Watershed
- Illicit Discharge Ordinance – City Engineer to distribute an updated version to Council
- First Energy agreed to restore area to original conditions per City’s request
- Utilities and Service Committee Meetings required by mid-November.
 - Service Committee to address drainage projects and projects that would be eligible for funding from the Lake County Stormwater Management Department.

- Utilities Committee to review and discuss SSES survey work to be done in the Green Ridge Sanitary Sewer System as mandated by Ohio EPA.

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 called to review monthly Financial Statements and to review preliminary information for next year's appropriations.**

PLANNING & ZONING – David A. Reichelt

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

RECREATION – David M. Fiebig

COMMITTEE MEETING OF OCTOBER 20, 2008

Members Present: Chairman David M. Fiebig, Councilman Christopher L. Biro, Councilman David A. Reichelt

Also Present: Councilwoman Nancy E. Fellows, Councilman Frank A. Germano, Mayor Robert M. Weger, Recreation Coordinator Leslie Harmon, Recreation Commission Members Rick Motuza (Hurricanes) and Rick Helton (WH Boys League Officer)

Purpose of the Meeting was to review Chapter 941 – Use of Public Property and any other business.

Meeting convened at 6:35 p.m.

- Introduction of draft of legislation to move responsibility of setting fees of the use of public property in the City from the Mayor to Council. This coincides with a request from the Ohio Auditor's Office. Also introduced the discussion of creating policies for generating income and promotion of the recreational facilities and Community Center. This "template" puts words on paper to begin discussion with the various stakeholders and moves toward a concurrent and final outcome to create a Master Plan for City Recreational Services. Lighting, concession stands, additional restroom, etc. Now with the ownership of Maplegrove Grange and the future of the Garfield property in question – appropriate time to set wheels in motion. Moving the ball forward, been talked about for years. Emphasis on working together to create the best for the youth and residents of the Community.
- **Biro:** Good place to start is to analyze how the City currently operates the Community Center and the recreational activities.
- **Reichelt:** 2004 repealed the rules and created the Mayoral control. State Auditors request. He and others are unclear as to the exact relationship and workings of the WHBL. Would like to see all involved in a workshop like forum. Focus should be on the mechanics of how things are done and then set rates.

Public Portion opened at 6:52 p.m.

Cihula: There was a Master Plan created some years ago.

Fulton: Questions about WHBL, why not more adult activities, add bocce courts, add gymnasium

Grady: Should not be fees for using parks. Q. Any Federal funds used? A. Cannot deny access.

Weger: Perhaps this draft is to overbroad. Just set rates for the Community Center and codify those rates. Set a policy for who can use for free. Including Garfield is a little premature until there is a contract.

F. O'Ryan: Moving those groups out of City Hall: some were sponsored by Recreation long ago – allowed a 20% of fees collected to be paid as a "donation". Should consider not the 50% requirement but who is "sponsored" by Recreation. Please demand a Deposit be paid for Community Center reservation.

Helton: Amazed Reichelt does not know what the WHBL does. 52 years. Football, baseball, basketball. One fundraiser. Operates at a loss of 10K year. 17 guys who donate their time and expertise. **DR:** Asked if anyone else felt like he did, several including **Fellows** answered affirmative.

Motuza: Hurricanes (Girls Softball) pays the City league. Does not dictate field use. City League is through Willoughby. 135 girls.

M. O'Ryan: Have policy for fees by first of the year please.

Cihula: Garfield – demolition plan is to remove all except chain link in the rears along River Road.

Public portion closed at 7:34 p.m.

The wishes of the Committee were to move forward with another meeting; get more reports from other communities, get input from Leslie and WHBL; Council Office is compiling a study of sports association with local government and to determine fees for the Community Center.

Meeting Adjourned at 7:35 p.m.

RULES & LEGISLATION – President Kevin D. Malecek

- President Malecek stated that he is the Chair of the Rules & Legislation Committee, however he was a bit late for the meeting and requested Vice President Reichelt who serves the Vice Chair of the Committee to report on the activities of the Committee.

COMMITTEE MEETING OF OCTOBER 20, 2008

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

Also Present: Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig

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

Meeting Convened at 7:45 p.m.

2008-77: City Liability Insurance

Discussed briefly. Additional questions had resulted pertaining to bidding and have been answered; any and all concerns have been resolved.

Consensus to waive Three Reading Rule and Adopt at the Regular Council of October 23rd.

Ordinance No. 2008-78: Sale of Surplus Vehicles on the Open Market and the Internet

This Ordinance was basically a housekeeping issue to catch up with a previous Ordinance which had previously passed to place vehicles declared as surplus on the Internet.

Consensus of the Committee was to waive Three Reading Rule and Adopt at the Regular Council Meeting of October 23rd.

Public Portion

Joyce Grady and Linda Fulton came forth with questions.

Meeting adjourned at 8:03 p.m.

SAFETY – David A. Reichelt

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

SERVICE – Nancy E. Fellows

- The Service Committee has not met; therefore no formal report was given.
- **Announced that a Service Meeting will be called.**

UTILITIES – Frank A. Germano

- The Utilities Committee has not met; therefore no formal report was given.
- **Announced that a Utilities Committee will be called per the request of the City Engineer.**

PERSONNEL RELATIONS – Christopher L. Biro

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

WORKING COMMITTEE OF COUNCIL – President Kevin D. Malecek

- 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.

President Malecek opened public portion at 7:19 p.m.

1. Frank Cihula

Dixon Road

Re: Questioned if SOM Center Road would be striped this year, on the south side of the Chardon Road Intersection striping is not visible at night; CEI right of way, north of White Road, access road blocked drainage – is this part of the improvement that was reported by the City Engineer

With no further commentary coming forth from the public, President Malecek closed Public Portion at 7:21p.m.

UNFINISHED BUSINESS

- There was no “unfinished Business” brought forth to and/or addressed by Council

LEGISLATION

ORDINANCE NO. 2008-77

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT(S) FOR INSURANCE COVERAGE FOR THE CITY OF WILLOUGHBY HILLS PROVIDED THROUGH CUSTIS INSURANCE SERVICE INC. AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Germano to amend Ordinance No. 2008-77 by increasing the amount of \$90,454 to \$91,454 to include a finance charge.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the amendment has been adopted. Section 1, as amended has been provided in its entirety.

SECTION 1. The Mayor shall be, and is hereby authorized and directed to enter into a contract or contracts as provided through Custis Insurance Service, Inc. for a premium or premiums not to exceed **Ninety One Thousand, Four Hundred and Fifty-Four Dollars (\$91,454.00)** substantially pursuant to the terms and conditions as identified in the comparison and proposal, dated October 16, 2008, consisting of (27) pages attached hereto as Exhibit “B”, and incorporated herein by reference.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to suspend the Two Day Notification Rule for Ordinance No. 2008-77 – as amended.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2008-77 – as amended has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2008-77 – as amended.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2008-77 – as amended has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Ordinance No. 2008-77 – as amended.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2008-77 – as amended has been adopted.

ORDINANCE NO. 2008-78

AN ORDINANCE AUTHORIZING THE MAYOR TO SELL SURPLUS VEHICLES AND EQUIPMENT ON THE OPEN MARKET, UPON SUCH TERMS AND AT SUCH PRICES AS ARE DEEMED MOST ADVANTAGEOUS TO THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2008-78.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2008-78 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Ordinance No. 2008-78.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2008-78 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to declare the 2009 Corn Fest a Public Purpose.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that the City's Corn Fest to be held in 2009 has been declared a Public Purpose.

FOR THE GOOD OF THE ORDER

- Councilman Biro announced that there is a Town Hall Meeting scheduled for Monday, October 27th to address the proposed Charter Review Amendments.
- Councilman Fiebig commended the work of the Charter Review Commission. Urged everyone to vote.
- Councilman Somich announced that a Candidate's Form will be held at the Wickliffe Senior Center at 7:00 p.m. on October 16, 2008.
- Councilman Somich announced that there will be a very special event held in our City to be held at the La Vera Party Center on November 14th in honor of Joshua Harmon. This event will initiate two scholarship programs.
- Councilman Reichelt announced that there is a link on the City's Website to Joshua's Jam.
- Councilman Reichelt announced the City's annual Halloween Party to be held on Sunday, October 26th at 6:00 p.m.
- Mayor Weger announced that there was a grand opening held on October 15th for Bogey's Comedy Club.
- Mayor Weger congratulated two members of the City's Official Family, Fire Chief Harmon will be celebrating his 50th Birthday on October 24th and then on Saturday, October 26th, one of our Councilmen, Mr. Frank Germano will also be celebrating his 50th Birthday. Mayor Weger further stated that they now have joined the same ranks for he too had celebrated his 50th Birthday just this past June and now they are all the same age!
- President Malecek encouraged everyone to get and vote this coming Tuesday, November 4th.
- Councilman Somich on behalf of all Council wished President Malecek well on his upcoming wedding day.

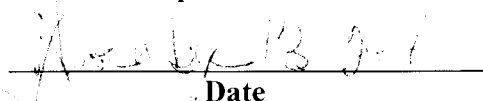
MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adjourn.

Roll Call: 7 AYES – unanimous

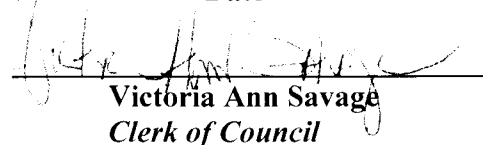
MOTION PASSES

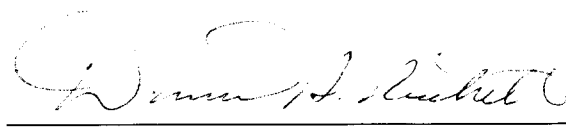
Meeting adjourned at 7:33 p.m.

APPROVED:


Date

ATTEST:


Victoria Ann Savage
Clerk of Council



David A. Reichelt
President of Council, Pro-tem