

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of May 23, 2013

*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 8:00 p.m. by President David A. Reichelt*

#### *Pledge of Allegiance*

#### **Roll Call of Council**

**Members Present:** President David A. Reichelt, Councilman Christopher L. Biro, Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano

**Absent:** Councilman Kevin D. Malecek, Councilman Raymond C. Somich  
Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. DiFranco

**Also Present:** Mayor Robert M. Weger, Law Director Thomas G. Lobe (arrived at 8:04pm)  
Clerk of Council Victoria Ann Savage

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Biro to excuse Councilman Kevin D. Malecek and Councilman Raymond C. Somich from the Regular Council Meeting of May 23, 2013.

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

President Reichelt declared that Councilman Christopher L. Biro and Councilman Kevin D. Malecek have been excused from the Regular Council Meeting of May 23, 2013.

President Reichelt stated that due to the light Agenda, and light attendance, the Finance Director and City Engineer were previously excused from attending the Regular Meeting of May 23, 2013.

#### **Disposition of the Journal** Regular Council Meeting of April 25, 2013

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to approve the Regular Council Meeting Minutes of April 25, 2013 as submitted.

**Roll Call: 5 AYES - unanimous**

**MOTION PASSES**

President Reichelt declared that the Regular Council Meeting Minutes of April 25, 2013 have been approved as submitted.

#### **CORRESPONDENCE**

City Engineer's Report, dated May 16, 2013 (Emailed: May 16, 2013)

**FINANCIAL REPORTS FOR THE MONTH ENDING MARCH 2013 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS** (Emailed: April 26, 2013)

**FINANCIAL REPORTS FOR THE MONTH ENDING APRIL 2013 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS** (Emailed: May 16, 2013)

## **NOTIFICATIONS**

Board of Building and Zoning Appeals did not meet on Tuesday, May 14, 2013 for there were no appeals (Emailed: May 8, 2013)

NEO Sustainable Communities Consortium, dated May 15, 2013 re: Workshop Session – Vibrant NEO 2040 to be held on Wednesday, June 5<sup>th</sup> at 6:30pm (Emailed: May 21, 2013)

Planning & Zoning Commission and Architectural Board of Review Meeting of May 16, 2013 (Emailed: May 14, 2013)

Service Committee and Utilities Committee Meeting of May 13, 2013 (Emailed: May 10, 2013)

## **MINUTES**

Planning & Zoning Commission and Architectural Board of Review Meeting Minutes of April 4, 2013 – Posted on City Website as of May 13, 2013 (Emailed: May 13, 2013)

Planning & Zoning Commission and Architectural Board of Review Meeting Minutes of May 2, 2013 – Posted on City Website as of May 20, 2013 (Emailed: May 20, 2013)

Recreation Commission Meeting Minutes of April 3, 2013 – Posted on City Website as of May 14, 2013 (Emailed: May 14, 2013)

## **ON FILE**

The State of Fair Housing in Northeast Ohio: April 2013 and Racial and Ethnic Disparities in 2011 Ohio Mortgage Lending, dated March 2013

## **MAYOR’S REPORT – Robert M. Weger**

### **Services**

Get ready for Color Run in our City on Saturday, June 8<sup>th</sup>

Grants have been submitted for handicapped doors at the Community Center and a handicapped ramp at the Grange – keep your fingers crossed in hopes that the City receives the funding

Opened Bids today for Paving Improvements to be done on Maple Grove Road and Dodd’s Landing; looking to have a Special Council Meeting to accept the bids so that we can commence with the paving improvements

**President Reichelt asked the Mayor when the Special Council Meeting would be desired; Mayor replied that at this time, he did not know.**

### **Acknowledgements**

Thanks to our Boy Scout Troop 562 for the construction of the Veterans Memorial Park Bridge

Congratulations to Molly McKiernan – she met Warren Buffet as part of her school success with the “Secret Millionaires Club”

### **Events**

Memorial Day Ceremony – at our new Veterans Memorial Park – Monday, May 27, 2013

Color Run – Saturday, June 8<sup>th</sup>, beginning at 8am

Corn Fest 2013 – August 17<sup>th</sup> and 18<sup>th</sup>

## **LAW DIRECTOR’S REPORT – Thomas G. Lobe**

Update on the legal actions taken by owners of Internet Cafes and the State

Requested an Executive Session to be called under the Threat of Litigation, inviting the Mayor and Law Director

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

No formal report was given for the Finance Director was not in attendance

## **CITY ENGINEER’S REPORT – Pietro A. DiFranco, P.E.**

No formal report was given for the City Engineer was not in attendance

## COMMITTEE REPORTS

President Reichelt asked if there were any Committee Chairs who would like to provide a report. Committees Reports have been listed alphabetically.

### **SERVICE – Nancy E. Fellows, Chair**

**Committee Members:** Frank A. Germano, Kevin D. Malecek

Chair Fellows announced that the Service Committee along with the Utilities Committee met on Monday, May 13<sup>th</sup> at 7:30pm to review and discuss the City Engineer's Status Report. Councilwoman Fellows will provide the minutes of the meeting at the next Regular Council Meeting to be held June 13, 2013.

### **RULES & LEGISLATION – David A. Reichelt, Chair**

**Committee Members:** Nancy E. Fellows, Kevin D. Malecek

President Reichelt announced that the Rules and Legislation Committee did not met; however, a meeting will be called prior to the next Regular Council Meeting to be held on June 13, 2013.

### **OTHER COUNCIL REPRESENTATIVE REPORTS**

There were no other Council Representative Reports brought forth by any of the Members

### **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 8:13pm**

1. Tanya Taylor Draper  
2909 Stratford Way

Accompanied this evening by the Board Secretary of Stratford Way, Sandra Arner and the Board Treasurer of Stratford Way Betty Hines

Re: Construction restraints placed on O'Reilly's Auto Parts, work being done after 8:00 – 9:00pm; Stratford Residents, as tax payers, not given attention; Questioned what was happening with Sam's Club; Requested Police presence in the Stratford Way Community

### **Public Portion was closed at 8:17pm**

### **UNFINISHED BUSINESS**

Law Director Lobe addressed Ms Taylor Draper's concerns; directed Ms. Taylor Draper to contact the Building Commissioner/Inspector Fred Wyss pertaining to the construction issues. Law Director Lobe also invited Ms. Taylor Draper to contract him if she has any concerns.

Councilman Fiebig invited Ms Taylor Draper to include the Members of Council in their Home Owner's Association Meetings. Councilman Fiebig, serving as the Planning and Zoning Council Representative, addressed Ms Taylor Draper's question regarding what was being done with the Sam's Club retail space by stating that there is an interested party and preliminary discussions have ensued to use the retail space for Halloween activities; there is no development plan for the retail space at this time. Councilman Fiebig also invited Ms. Taylor Draper to contact him with any concerns or questions that she may have and thanked her for coming forth with her concerns.

Law Director Lobe also informed Ms. Taylor Draper that the City does have an Economic Developer, Steve Roszczyk, who could give you further information as to any future development within the City and again stated that the Building Commissioner would be able to address her concerns with respect to construction and noise and stated that he, serving as Law Director would also be able to assistance.

## LEGISLATION

### ORDINANCE NO. 2013-24

**AN ORDINANCE TO DECLARE CITY VEHICLE(S) AND/OR EQUIPMENT AS SURPLUS PROPERTY AND GRANTING AUTHORIZATION TO SELL SAID SURPLUS VEHICLE(S) 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. 2013-24.

**Roll Call: 5 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-24 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to adopt Ordinance No. 2013-24.

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2013-24 has been adopted.**

### ORDINANCE NO. 2013-25

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$250,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF REBUILDING AND RESURFACING VARIOUS ROADS WITHIN THE CITY, INCLUDING A PORTION OF GATSBY LANE AND HANNA ROAD, AND ALL NECESSARY APPURTENANCES THERETO.**

**President Reichelt stated that Ordinance No. 2013-25 would remain on First Reading.**

### RESOLUTION NO. 2013-10

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

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Resolution No. 2013-10.

**Roll Call: 5 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Resolution No. 2013-10 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Germano to adopt Resolution No. 2013-10.

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Resolution No. 2013-10 has been adopted and would be presented to the Members of the Academic Decathlon Team at the next Regular Council Meeting scheduled for June 13, 2013.**

## NEW BUSINESS

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilwoman Fellows to adjourn into Executive Session following “For the Good of the Order” for the purpose of discussing Pending Litigation, inviting the Mayor, the Law Director, the Finance Director and the City Engineer.

**Roll Call: 5 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that an Executive Session will be held immediately following “For the Good of the Order” to discuss the Threat of Litigation, inviting the Mayor and the Law Director.**

**FOR THE GOOD OF THE ORDER**

**Councilman Fiebig:**

Thanked Council for changing the Regular Council Meeting Time for this evening's meeting and extended congratulations to the National Junior Honor Society of the Willoughby Middle School which had their Induction Ceremony this evening at 7:00pm

**Councilwoman Fellows:**

Congratulated the Fiebigs for their son, Joe was inducted into the National Junior Honor Society of the Willoughby Middle School this evening.

**President Reichelt:**

Extended Happy Birthday wishes to Councilman Somich

Memorial Day Event to be held Monday, May 27<sup>th</sup> at 11:00am –Dedication Ceremony to be held for the long awaited Veteran's Memorial Park

Color Run to be held Saturday, June 8<sup>th</sup> – Reminded everyone to check the City's Website for Road Closings during the event

At 8:28pm the Members of Council along with the Mayor and the Law Director adjourned into Executive Session.

The Regular Council Meeting reconvened at 8:45pm with all of the Members of Council, the Mayor and Law Director present.

**ADJOURNMENT**

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

Roll Call: 5 AYES - unanimous

**MOTION PASSES**

President Reichelt declared the Regular Council Meeting of May 23, 2013 to be adjourned at 8:46pm

APPROVED: \_\_\_\_\_

  
Date



David A. Reichelt  
President of Council

ATTEST: \_\_\_\_\_

  
Victoria Ann Savage, CMC  
Clerk of Council