

City of Willoughby Hills

Regular Council Meeting

Minutes of May 7, 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, Kevin D. Malecek

Pledge of Allegiance

Roll Call of Council

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

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

Absent: Councilman Christopher L. Biro

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to excuse Councilman Christopher L. Biro.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek stated that Councilman Christopher L. Biro has been excused.

Presentation

President Malecek presented Resolution No. 2008-7 to the Members of the Willoughby South High School Academic Decathlon Team. Resolution No. 2008-7 acknowledges the Decathlon Team's outstanding performance at Statewide and National competitions.

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

President Malecek stated that the approval of the Regular Council Meeting Minutes of April 24, 2008 will be addressed at the next Regular Meeting of Council to be held on May 22, 2007.

Correspondence

- Memo from Mayor Robert M. Weger to Council & Council Clerk, dated April 28, 2008 re: Letter to Cuyahoga County Commissioner
- Letter from Mayor Robert M. Weger to Mr. Timothy Hagan, Cuyahoga County Commissioner, dated April 25, 2008 re: Cuyahoga County Airport
- Position Statement re: Cuyahoga County Airport Master Plan Update and Proposed Expansion
- Mayor's Monthly Statement for May 2008
- Dan Donaldson, District Administrator, Lake Soil & Water Conservation to Ms. Victoria Savage, Clerk of Council, dated April 29, 2008 re: Chapter 1167 – Protected Areas Regulations

- Richard Iafelice to Honorable Robert Weger and Members of Council, May Status Report
- Mayor Robert M. Weger to All Department Directors, Council Members, Council Clerk, Boards & Commissions, dated May 5, 2008 re: New Building Commissioner

Notifications

- Board of Building and Zoning Appeals Notification for Case No. 2008-3
- Finance Committee Meeting of May 7, 2008
- Northeast Ohio Planning & Zoning Workshop scheduled for June 20, 2008
- Planning & Zoning Commission and Architectural Board of Review Meeting of May 1, 2008
- Working Committee of Council Meeting of May 9, 2008

Minutes

- Board of Building and Zoning Appeals Meeting of February 12, 2008
- Planning & Zoning Commission and Architectural Board of Review Meeting of April 17, 2008

File

- Financial Reports for the Month of March 31, 2008

MAYOR'S REPORT – Robert M. Weger

- **Residents First Program**
 - POW/MIA Flay raised at the Veteran's Memorial
 - Civil Service Commission – appointed the following three members: Thomas Majeski, Carolyn Patton and Thomas Kicher
 - Television Monitor installed in the Lobby of City Hall
 - 14th Annual Elected Officials Conference held in Washington, D.C. on May 8th and May 9th. Provides City Officials the opportunity to meet with Congressman Steven LaTourette, FAA Officials (to address the Cuyahoga County Airport Expansion) and the Post Master General (to address zip code issue)
 - Personnel – Appointed Fred Wyss as Building Commissioner and Kenneth Avram to serve as the City's Fire Marshall
- **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
 - June 7th - Household Hazardous Waste Collection (i.e. automobile oil, paint, paint thinners, chemicals) held at Lake County Fairgrounds from 9:00 am. to 3:00 p.m.
 - June 14th - Farewell to Garfield School
 - June 28th - Community Day (final year)
 - 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!
- **Legislation**
 - Ordinance No. 2008-42
 - Ordinance No. 2008-44

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

- No formal report was given.

FINANCE DIRECTOR – Joseph G. Mirtel

- No formal report was given.

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

- Use of Temporary Traffic Signals – Seeking Quotations – Project Deadline to complete installation being June 6th – City of Willoughby have donated (5) of the (7) traffic signals heads for the temporary signal

- City of Willoughby has also donated the complete traffic controller and box
- Prepared a Plan for the Service Department to remove and repave concrete median to facilitate the signals and the traffic flow
- Chardon Road – ODOT Project – Pre-Construction Meeting scheduled for Monday, May 12th - Project completion scheduled for mid-September
- Verbally reached a negotiation with Goldberg Companies to vacate and release the easements and waterlines on their property. Preparation of necessary documents (Ordinance) for complete release of the easements as well as the transfer of ownerships of all the waterlines and appurtenances back to the Goldberg Companies.
- Utilities Committee Meeting to discuss and review specific alignment alternatives on ECTW Assessment Area C – looking at critical path involving private property

COMMITTEE REPORTS

FINANCE – Raymond C. Somich

- The Finance Committee was scheduled earlier this evening to review primary audit information. At the insistence of the State Auditor Representatives, the meeting was held as an Executive Meeting for it is exempt from the Ohio Sunshine Law. All the Members of the Finance Committee, Council and Administration were in attendance.

PLANNING & ZONING – David A. Reichelt

- The Planning & Zoning Committee has not met; therefore no formal report was given.

RECREATION – David M. Fiebig

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

RULES & LEGISLATION – President Kevin D. Malecek

- The Rules & Legislation Committee has not met; therefore no formal report was given.

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.

UTILITIES – Frank A. Germano

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

PERSONNEL RELATIONS – Christopher L. Biro

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

WORKING COMMITTEE OF COUNCIL – President Kevin D. Malecek

- The Working Committee has not met; therefore no formal report was given.
- Announced that a Working Committee of Council will be convening at 1:30 p.m. on Friday, May 9th at the Cannon Office House Building in Washington, D.C. The purpose of the meeting will to meet with FAA Officials and perhaps the Post Master General.

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 7:39 p.m.

1. Murray Seldon
28846 Eddy Road
Re: Maintenance Fee of the Water Bill; Lack of enforcement of regulations pertaining to failing septic tanks, cost of sewers \$25,000 negligence of former Service Director; Adjustment of timing of the lights on Bishop Road; Lack of maintenance of Fire Hydrates – need to be sandblasted, primed with a rust resistant primer and painted reflected red
2. Faye Sivazlian
3725 Chardon Road
Re: Ordinance No. 2008-15 – Protected Areas Regulations; requested that the City not make any laws that will take money out of her pocket by limiting the use of her property
3. Robert Kowalsky
2585 Timberline Drive
Re: Referenced Memo from former Finance Director Andrew Unetic, dated August 2007 to Councilman Germano and to Michael Germano; Core problem with ethics

With no further commentary coming forth from the public, President Malecek closed Public Portion at 7:40p.m.

UNFINISHED BUSINESS

President Malecek addressed Faye Sivazlian’s question regarding Ordinance No. 2008-15. President Malecek stated that the Ordinance was not on the Agenda, for it was not up for a vote, not up for a decision this evening.

LEGISLATION

ORDINANCE NO. 2008-42

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN ANY AND ALL DOCUMENTS FOR THE PROCUREMENT OF A 2008 DODGE 3500 ONE TON CAB AND CHASSIS PICKUP TRUCK ALONG WITH ONE CONCORD “MINUTEMAN” 9’ 6” DUMP BODY AND EQUIPMENT PACKAGE TO BE INSTALLED AT A TOTAL PRICE NOT TO EXCEED \$39,040.16 WITH SAID PURCHASE BEING EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 125.04 (C) OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2008-42.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2008-42 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Germano to adopt Ordinance No. 2008-42.

Councilman Reichelt questioned if this purchase was within the City’s purchasing budgeted for the Service Department this year. The Finance Director replies yes, it was.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2008-14 has been adopted.

ORDINANCE NO. 2008-43

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 141 – FIRE DEPARTMENT, SECTION 141.01 – COMPOSITION; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Malecek stated that Ordinance No. 2008-43 will remain on First Reading and will be referred concurrently to the Rules & Legislation and Personnel Relations Committees for action by either/or Committee.

ORDINANCE NO. 2008-44

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN ANY AND ALL DOCUMENTS FOR THE PROCUREMENT OF A 2008 DODGE DURANGO AT A TOTAL PRICE NOT TO EXCEED \$26,547.00 WITH SAID PURCHASE BEING EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 125.04 (C) OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2008-44.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2008-44 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to adopt Ordinance No. 2008-44.

Councilman Reichelt questioned if this purchase was within the City’s purchasing budgeted for the Fire Department this year. The Finance Director replies yes, it was.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2008-44 has been adopted.

RESOLUTION NO. 2008-5

A RESOLUTION IN SUPPORT OF BUILDING OHIO JOBS, A \$1.7 BILLION JOBS PACKAGE THAT WILL CREATE MORE THAN 80,000 JOBS IN THE STATE OF OHIO AND WILL LAY THE FOUNDATION FOR LONG-TERM ECONOMIC PROSPERITY IN OUR STATE.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to Postpone Indefinitely Resolution No. 2008-5.

Roll Call: Fiebig-yes, Germano-yes, Malecek-no, Reichelt-yes, Somich-yes, Fellows

MOTION PASSES: 5/1

President Malecek stated that the Resolution No. 2008-5 has been Postpone Indefinitely.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to grant the Clerk of Council a 70 cent per hour rate increase; representing a 3.5% increase with said increase retroactive to January 1, 2008.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek stated that Clerk of Council has been granted a 70 cent per hour rate increase; representing a 3.5% increase with said increase retroactive to January 1, 2008.

FOR THE GOOD OF THE ORDER

- President Malecek received a notification of an “Old Fashion Townhall Meeting sponsored by the League of Women’s Voters to discuss “Judicial Independence”. Retiring Juvenile Court Judge William W. Weaver and the

Director of the Board of Elections of Lake County Janet F. Clair will be honored. The event will be held next Wednesday, May 14th at 7:00 p.m. to 9:00 p.m. at the Mentor Senior Center on Munson Road.

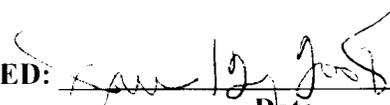
- Councilman Reichelt announced that CityMusic will be performing at St. Noel's on Friday, May 9th at 8:00 p.m.
- Councilman Reichelt announced that the Environmental Commission of Wickliffe and the City of Willoughby Hills will be sponsoring a public meeting on the deer and the coyote issue on Thursday, May 22nd at 7:00 p.m. at the Wickliffe Community/Senior Center.
- Councilman Reichelt announced that the City's Memorial Ceremony will be held on Monday, May 26th at 11:00 a.m. at the Veteran's Memorial across the street in front of the Willoughby Hills Community Center.
- Councilman Somich wanted to commend the Law Director and the Mayor for their prompt response to Commissioner Tim Hagan regarding the communication relative to the Cuyahoga County Airport Expansion.
- Councilman Somich announced that the annual "Senior Day" will be held at the Great Lakes Mall this coming Tuesday, May 13th from 8:00 a.m. until 2:00 p.m. There is an optional \$1.00 fee which includes a breakfast and a free movie.
- Councilman Somich announced the annual luncheon honoring all of the Lake County Council on Aging Hall of Fame Members over the years including the Induction Ceremony for the new members and its Annual Report to the Community by the Council on Aging. This event will be held on Thursday, May 22nd at the Radisson.
- President Malecek mentioned that the next Regular Council Meeting will be held on Wednesday, May 7th at 7:00 p.m. due to the fact that many of the Council Members will be traveling to Washington, D.C. to meet with Congressman LaTourette and members of the FAA and perhaps the Post Master General on Thursday, May 8th and Friday, May 9th.
- Mayor Weger reported on the "Opening Day" of the City's new baseball traveling team, the Willoughby Hills Warriors.
- Mayor Weger reported that the Baseball Fields have been updated, a great job done by the City's Service Department.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to adjourn.

Roll Call: 6 AYES – unanimous

MOTION PASSES

Meeting adjourned at 7:53 p.m.

APPROVED: 
Date


Kevin D. Malecek
President of Council

ATTEST: 
Victoria Ann Savage
Clerk of Council