

City of Willoughby Hills

Regular Council Meeting

Minutes of February 28, 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.

7:02 p.m. Meeting called to order by President Kevin D. Malecek

Pledge of Allegiance

Roll Call of Council

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

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: Councilwoman Nancy E. Fellows

MOTION WAS MADE BY COUNCILMAN REICHELT seconded by Councilman Germano to excuse Councilwoman Nancy E. Fellows.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek stated that Councilwoman Nancy E. Fellows has been excused from this evening's meeting.

Mayor's Proclamation – Proclaimed the Month of March 2008 as American Red Cross Month

Disposition of the Journal Regular Council Meeting of February 14, 2008

MOTION WAS MADE BY COUNCILMAN SOMICH seconded by Councilman Reichelt to approve the Regular Council Meeting Minutes for February 14, 2008.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek stated that the Regular Council Meeting Minutes of February 14, 2008 have been approved.

Correspondence

- Kevin M. Delaney, Airport Manager to Technical Advisory Committee (TAC) and Community Advisory Committee (CAC), dated February 4, 2008 re: Cuyahoga County Airport Master Plan; Joint Meeting of the TAC and CAC
- Interoffice Memo from Mayor Weger to All Employees, City Council, City Boards & Commissions, dated February 22, 2008 re: Property for Rent – 2608 SOM Center Road
- **Email:** Gil Martelo (whadvisory@yahoo.com to whcouncil@willoughbyhills.net), dated February 25, 2008 re: Council's 2007 Campaign Promises. pdf

- Megan Anderson of 785 Meadowlark Road, Painesville, Ohio to Honorable Victoria A. Savage, received February 21, 2008 re: Financial Sponsorship to participate in the People to People Student Ambassador to Australia for the Summer of 2008
- **EMAIL: FROM GLORIA MAJESKI TO: KEVIN MALECEK, NANCY FELLOWS, DAVID M. FIEBIG, FRANK GERMANO, RAY SOMICH, CC: COUNCIL, DATED FEBRUARY 28, 2008 RE: PRESENTATION**

Notifications

- Board of Building and Zoning Appeals Meeting of March 11, 2008 has been cancelled
- Finance Committee Meeting of March 3, 2008
- **Email:** Lakeland Community College – Notification of Federal Budget Training Academy scheduled March 6, 2008
- Planning & Zoning Committee Meeting of March 3, 2008
- Planning and Zoning Commission & Architectural Board of Review Meeting of February 21, 2008
- Rules and Legislation Committee Meeting of February 28, 2008

Minutes

- Board of Building and Zoning Appeals Meeting of January 8, 2008
- **Rules & Legislation Committee Meeting of February 28, 2008**

File

- Deputy Chief of Police of Conneaut City Police Department to Chief Christopher Collins, dated February 13, 2008 re: Thank You Letter
- Chagrin River Watershed Partners, Inc. Board of Trustees Agenda of the February 21, 2008 Meeting along with 2007 Program Highlights
- The Housing Research & Advocacy Center News – Annual Report/Winter 2008
- Willoughby Hills V.F.W. Post 4358 – February, 2008 – Volume 1, Issue 2

MAYOR'S REPORT – Robert M. Weger

- **Cuyahoga County Airport Meeting** – February 20th at the Holiday Inn – Presentation given by Cuyahoga County; a presentation has been scheduled for the City on Tuesday, March 11th and will allow public comment
- **State of the City Address** given this afternoon along with the City of Willoughby, and the City of Kirtland
- **Medical Insurance** – City has been paying too much for insurance; City will receive a \$38,000 credit that will be applied for 2008
- **Finance Department Activities** – Referenced the December Finance Report noting that the carrier over balance for the General Fund – the unencumbered balance was \$19,694.00
- **Police Department Activities**
ACE (Aggressive Crime Enforcement Team) – being recognized by other organizations in the area for training
- **Legislation**
Appreciated Council's support with regards to Ordinance No. 2008 – 7 and Ordinance No. 2008 – 8

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

- Requested an Executive Session to discuss the EEOC Matter: Miles vs. the City of Willoughby Hills inviting the Members of Council, the Mayor and the Finance Director
- TIF Documents have been signed by all relevant parties and have been returned in their original form to the City
- Cuyahoga County Meeting – attending the meeting at the request of the Mayor – will be meeting with the FAA in Washington, D.C.

FINANCE DIRECTOR – Joseph G. Mirtel

- Closed January of 2008
- Working on 2008 Appropriations Budget

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

- **Negotiation between the City, Classic Development and the Cleveland Clinic** – Participation of the Cleveland Clinic was to pay 50% of the City, they continue to be receptive to that and are now requesting an Agreement outlining the City’s responsibility – Drafted a Memorandum of Understanding - Looking to the Mayor and the Law Director as to the appropriate time to execute the MOU – prior to or in conjunction with proceeding with the design of the light signal.
- **City of Euclid** has requested an annual report as part of their requirement to Ohio EPA as the City is a satellite community; all of the City’s waste is transported and treated in the City of Euclid’s treatment facility. The City of Euclid is required by Ohio EPA to provide a Compliance Report, not only for their City but for their satellite Communities which include Willowick, Wickliffe, and Willoughby Hills. This report from us should be very positive considering that we complied with our orders in sewerage the streets
- **Assessment Area C** – First Public Meeting was held on **February 26th** with the second meeting scheduled for **March 5th** - Notifications went to all affected residents – private streets included. Hopes that all Members of Council will be available to take due note or consideration of the comments that are provided by the public.
- **Ordinance No. 2008-7 and Ordinance No. 2008-7**
- **IT-Dispatch Project** – work has been initiated at City Hall.

COMMITTEE REPORTS

FINANCE – Raymond C. Somich

- Finance Committee has not met; therefore no formal report was given.
- Announced that a Finance Committee has been scheduled for Monday, March 3rd

PLANNING & ZONING – David A. Reichelt

- Planning & Zoning Committee has not met; therefore no formal report was given.
- Announced that a Planning & Zoning Committee has been scheduled for Monday, March 3rd at 7:00 p.m. to discuss the Potential Land Development on Maplegrove Road

RECREATION – David M. Fiebig

- Recreation Committee has not met; therefore no formal report was given.
- Announced that the Recreation Commission will meet on Tuesday, March 4th at 7:00 p.m.
- Announced that the Committee handling Community Day activities is looking for volunteers. Chair Linda Fulton will be holding a meeting on Wednesday, March 12th at the WH Community Center.

RULES & LEGISLATION – Kevin D. Malecek

COMMITTEE MEETING OF FEBRUARY 28, 2008

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

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Mayor Robert M. Weger, Finance Director Joseph G. Mirtel

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

Meeting convened at 6:25 p.m.

Ordinance 2008 – 7: Brief summary (Weger) – issue notes in the amount of \$640,000 – start project for Chardon Road resurfacing. To bid out project, need money in advance (638k) – will not open the bids without receiving our payment. Our road levy money comes in after the taxes are paid – do not have the cash flow – therefore, take advantage of bidding climate – floating one year note to take advantage.

Mirtel – one year note for 640,000 b/c of Route 6 ODOT project. Requested a check. Private sale after 30 days – pay note back in entirety or in portion.

Weger – no emergency clause – bond-note ordinance, pass it – not go into effect for thirty days. Go to financial institutions to get the money. 11 days to do that. Sufficient time.

Lobe – vague commentary in Charter – non-emergency for councilmatic bond. Note is not councilmatic bond, but there is no emergency tag. Not done by emergency. We have time to allow it to go through.

Mirtel – finance institutions will not give a quote without opinion of a law firm. Lobe – want an outside legal opinion – they said it is a bond.

Somich – question for Mirtel – in experience, 11 days is a short window – if we have approvals but not cash in hand, is that acceptable from ODOT?

Mirtel – ODOT wants money in beginning of April – will not be a problem to get that done by that point.

Somich – our financial position is good enough to get the note?

Mirtel – should not have any problem getting the note with a good rating.

Weger – did investigate a few things with ODOT – basically said no on extensions. Bids coming in – postponed opening until they get cash in hand. \$640k is an estimate.

Mirtel – right now, bond rating given by Moody's is probably an A2 rating.

Ordinance 2007-7: consensus recommended for adoption.

Ordinance 2008-8: Second Ordinance is to proceed with the project with ODOT – companion Ordinance.

No discussion on the Ordinance – no questions, consensus to recommend adoption to Council.

Cihula – if you don't have an emergency clause on the funding ordinance – why on the other?

Lobe – because we can – if the first one does not pass.

Kowalsky – expected interest?

Mirtel – somewhere in the 3% range.

Kowalsky – resurfacing – ODOT is going to do it? Are they dictating their standards?

Weger – included in the contract is base repair – City is entirely responsible for it – included in entire contract in the project. Engineer determined where base repair is going – certain amounts of base repair done. Service department is not doing the base. Beginning of this project – normally not do base repair with Service Department. We subcontracted out – little bit too large for our Service Department. State bid everything out in one big project. State is keeping standards? When the state looks at plans Iafelice made?

Weger – yes, approved by state engineer.

Fulton – is there going to be anything done with televising meeting improvements?

Reichelt – support improving what we have.

Weger – we are looking at quite a few things, improved Channel 12 – specifications with Time Warner. \$2,500 Grant to invest in equipment.

Fulton – problem with turning off of off-ramp on Bishop Road – need more lines of sight.

Somich – ODOT will have monthly meetings – bring to attention

The following legislation was discussed:

Meeting adjourned at 6:43 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.

UTILITIES – Frank A. Germano

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

PERSONNEL RELATIONS – Christopher L. Biro

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

WORKING COMMITTEE OF COUNCIL – Kevin D. Malecek

- The Working Committee of Council has not met; therefore no formal report was given.
- Announced that the Committee will convene on Tuesday, March 11th at 7:00 p.m. The meeting will be held at the Willoughby Hills Community Center and Vice President Reichelt will be Chairing the Meeting.

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 7:27 p.m.

(1) Linda Fulton

2990 Marcum Boulevard

Re: Kudos to the Service Department, helped move mailbox out of the snow; Marcum Boulevard Sewers; Announced Sadie Hawkins Dance being held on Friday, February 29, 2008 at 7:00 p.m. Tickets are \$5.00

With no further commentary coming forth from the public, President Malecek closed public portion at 7:28 p.m.

UNFINISHED BUSINESS

- There was no Unfinished Business brought forth to Council.

LEGISLATION

ORDINANCE NO. 2008-7

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$640,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF IMPROVING, IN COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION, U.S. ROUTE 6 IN THE CITY BY RESURFACING AND INSTALLING AND REPLACING CURB RAMPS THERETO, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2008-7.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2008-7 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to adopt Ordinance No. 2008-7.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2008-7 has been adopted.

ORDINANCE NO. 2008-8

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION TO PROCEED WITH THE RESURFACING OF EUCLID-CHARDON ROAD PROJECT AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2008-8.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2008-8 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Ordinance No. 2008-8.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2008-8 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to adjourn into Executive Session after the conclusion of "For the Good of the Order" inviting the Mayor, Law Director, Finance Director for the purpose of discussing eminent litigation titled Miles vs. The City of Willoughby Hills

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek declared that the motion has been adopted and Council will adjourn into Executive Session at the conclusion of "For the Good of the Order".

Councilman Somich questioned if a motion was required to allow the City Engineer to be dismissed. President Malecek replied that a motion would not be necessary and the City Engineer may be dismissed upon Council's adjournment into Executive Session.

FOR THE GOOD OF THE ORDER

- Councilman Reichelt announced the dates for the Pancake Breakfasts, all to be held on Sunday: March 2nd, March 9th by the Recreation Commission and March 16th by the Lions Club. Council Members have plenty of tickets for sale.
- Councilman Somich announced that there is the Willoughby Hills Boys League Raffle this coming Saturday evening - there are tickets still available, anyone interested may contact Councilman Biro, Councilman Fiebig and the Mayor.
- Councilman Somich announced that the Lake County Council on Aging will be the hosting Annual "March for Meals" to be held at the Great Lakes Mall from 7:00 a.m. to 10:00 a.m. on Saturday, March 8th; this event helps raise awareness and money for the Meals on Wheels Program.
- Councilman Malecek stated that he and Councilman Reichelt attended the CityMusic held in Willoughby. CityMusic will be coming back to Willoughby Hills in May at the St. Noel's Church.
- Councilman Fiebig announced that sign up for Boys and Girls Softball leagues will be held during the Pancake Breakfasts

President Malecek called for Council to adjourn into Executive Session at 7:38 p.m.

All of Council reconvened from Executive Session at 8:18 p.m.

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

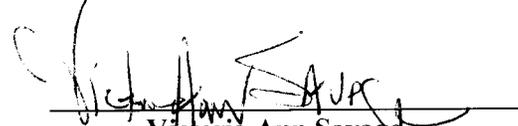
Roll Call: 6 AYES - unanimous

MOTION PASSES

Meeting adjourned at 8:19 p.m.

APPROVED: March 13, 2008
Date


David A. Reichelt
President of Council, Protem

ATTEST: 
Victoria Ann Savage
Clerk of Council