

# City of Willoughby Hills

## Special Council Meeting Minutes of February 23, 2009

*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.*

7:15 p.m. Special Meeting of Council Called to Order by President of Council.

### *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, Finance Director Joseph G. Mirtel, Law Director Thomas G. Lobe, City Engineer Richard Iafelice, Clerk of Council Victoria Ann Savage

**Absent:** Councilwoman Nancy E. Fellows

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Biro to excuse Councilwoman Nancy E. Fellows from the Special Council Meeting of February 23, 2009.

**Roll Call: 6 AYES – unanimous MOTION PASSES**

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

### **RULES & LEGISLATION COMMITTEE REPORT – Kevin D. Malecek, Chair**

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

#### **COMMITTEE MEETING OF FEBRUARY 9, 2009**

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

**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Raymond C. Somich, Mayor Robert M. Weger, Law Director Thomas G. Lobe

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

**Meeting convened at 7:00 p.m.**

#### ***Order of Business***

##### **Ordinance 2009-6: Authorizing Mayor to Enter into Real Estate Agreement (Martin Drive)**

Two bids – one just over appraisal, \$113,000 was final bid. Bidding is closed and this ordinance is to authorize to sign the contract. Law Director – County appraised it at \$75,000, our appraiser had it at \$90,000 – surprising bid of \$113,000 – have made contact with potential purchasers. Substantial form to the following – drastic changes will come back – Vicki and I will email it to them. Put on the agenda now get it moving – will come back if contract is different – who and how much stays the same. Fiebig – no contingency in here – bare bones Real Estate Agreement. No other contingencies or warranties – nothing earmarked for these funds – do not want to limit it to that.

**Consensus to waive Three-Reading Rule and Adopt.**

**Resolution 2009-2: Authorizing Law Director to Bring for Litigation in Public Records Access**

No emergency tag – does not stop – looking for records – strategy issues – ask for it at the next meeting.

**Consensus to waive three-reading rule and adopt.**

***Public Portion***

Public Portion was opened; however, no one from the public sector came forth.

**Meeting adjourned at 7:09 p.m.**

**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 7:18 p.m.**

1. **Joyce Grady**  
**3020 Marcum Boulevard**  
**Re: Questioned why the Regular Council Meeting of February 26, 2009 was rescheduled for February 23, 2009, due to what conflict?**
  
2. **Robert Kowalsky**  
**2585 Timberline Drive**  
**Re: Funds 251 and 291 – lack of legal action to establish funds; discrepancies of funds and the lack of investigation of the funds**
  
3. **Raymond Speece**  
**36371 Maple Grove Road**  
**Re: Rezoning of property to SCR – Senior Residential District; requested information pertaining to the defining of and criteria for a SCR District**

**Public Portion was closed at 7:23 p.m.**

**LEGISLATION**

**ORDINANCE NO. 2009-6**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT FOR THE SALE OF CERTAIN PROPERTY LOCATED AT 35360 MARTIN ROAD (L323 A SLEEPY HOLLOW 125), PERMANENT PARCEL #31A004C000150, LOCATED IN THE CITY OF WILLOUGHBY HILLS, PURSUANT TO THE TERMS OF THE ATTACHED REAL ESTATE PURCHASE AGREEMENT.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-6.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-6 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to adopt Ordinance No. 2009-6.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-6 has been adopted.**

**RESOLUTION NO. 2009-2**

**A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO BRING FORTH LITIGATION AGAINST THE CUYAHOGA COUNTY COMMISSIONERS FOR DENIED ACCESS TO PUBLIC RECORDS.**

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2009-2.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Resolution No. 2009-2 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Germano to adopt Resolution No. 2009-2.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Resolution No. 2009-2 has been adopted.**

**President Malecek requested a moment of silence to remember former Member of Council Sabby DeFrank for his service to the City of Willoughby Hills. Sabby DeFrank served on City Council from 1971 through 1977.**

**Councilman Somich requested that he be excused from the remainder of the meeting. President Malecek requested that a formal Motion be made by Council.**

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Biro to excuse Councilman Raymond C. Somich from the remainder of this evening's meeting.

**Roll Call: 5 AYES – with Councilman Somich abstaining**

**MOTION PASSES**

**President Malecek stated that Councilman Raymond C. Somich has been excused from this evening's meeting. Council's Journal will reflect that Raymond C. Somich was excused at 7:28 p.m.**

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

##### Services

- **Willoughby Area Chamber of Commerce hosting the State of Cities Address to be given on February 26, 2009 at a luncheon to be held at St. Noel's Church**
- **WHISPER Program – WHISPER is the *Willoughby Hills Isolated Senior Program for Everyday Relief* Volunteer Applications as well as Applications for Services are posted on the City's website: [www.willoughbyhills-oh.gov](http://www.willoughbyhills-oh.gov)**  
Donation made by Willoughby Hills Auto Repair, in the amount of \$1,000

##### Events

- **Annual Pancake Breakfasts:**  
Recreation Commission sponsored: Sunday, March 1 & March 8  
W.H. Lions Club sponsored: Sunday, March 15  
Registration for Baseball Programs  
Kids Prints – Photo ID Cards – provided by the WH Police Department  
Donations for Food for Hunger
- **Willoughby Hills Day at Lake County Captains Stadium**  
Scheduled for Flag Day, June 14<sup>th</sup>
- **May 14<sup>th</sup> and 15<sup>th</sup> – Representative Steven LaTourette hosting Annual Conference for Elected Officials to be held in Washington, D.C.**  
Opportunity for City Officials to meet with FAA Representatives to further discuss the CCA's Master Plan

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

- No formal report was given; open to any comments or questions.

#### **FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel**

- Legislation required to establish and create a separate fund in order to receive donations for the **WHISPER** Program

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

- **Shared/Use Bike Path along SR-91 in Willoughby and Willoughby Hills** – Co-Application: Project approved by both the Regional Transportation Committee and the Transportation Advisory Committee with recommendation for approval to the full board of NOACA
- NOACA to consider the Project and what percentage of funding the two Cities may be eligible for at the March 13<sup>th</sup> Board Meeting of NOACA
- **Economic Stimulus Package – Wish List**

**COMMITTEE REPORTS**

**FINANCE – Raymond C. Somich, Chair**

**Committee Members:** Nancy E. Fellows, David A. Reichelt

Councilman Somich had been excused from this evening's meeting at 7:28 p.m.; therefore no formal report was given.

**PLANNING & ZONING – David A. Reichelt, Chair**

**Committee Members:** David M. Fiebig, Frank A. Germano

**COMMITTEE MEETING OF FEBRUARY 16, 2009**

**Members Present:** Chair David A. Reichelt, Councilman David M. Fiebig, Councilman Frank A. Germano

**Also Present:** Councilman Christopher L. Biro, President Kevin d. Malecek, Councilman Raymond C. Somich, Mayor Robert M. Weger

**Purpose of the Meeting was to discuss Changes in Zoning Code and any other business.**

**Meeting convened at 8:04 p.m.**

***Order of Business***

- Continued discussion regarding various Ordinances that are being developed to submit to the Planning & Zoning Commission regarding some proposed changes to the Zoning Code including Chapters: 1121; 1111; 1151; 1133 and 1117, these were all discussed at length at a prior meeting.
- The purpose of the meeting of February 16<sup>th</sup> was basically to refine them in their final form and to move them along to the Planning Commission which will be the next step in that process.
- **The consensus of the Committee was to make some very minor, non-substantive changes and to in fact, advance them to the Planning Commission and that will be happening over the course of this week**

***Public Portion***

**Public Portion was opened at 8:29 p.m.**

Commentary was provided by: Charlotte Schryer, Frank Cihula, Joyce Grady and Bob Kowalsky

**Public Portion was closed at 8: 38 p.m.**

**Meeting adjourned at 8:40 p.m.**

- Councilman Reichelt further reported that the items that were discussed and will be advanced to the Planning Commission and will be heard by the Planning Commission at their first meeting, which will be March 5<sup>th</sup> and at that meeting they will probably set a schedule for a Public Hearing, which is the requirement of the Code whenever Zoning Changes are proposed. The Planning Commission will send the changes back to Council. Council will then need to have a Public Hearing and then, finally this Council will be able to vote on these various changes.
- If there any major changes in material to these ordinances, then the Planning & Zoning Committee of Council will probably need to reconvene.

**RECREATION – David M. Fiebig, Chair**

**Committee Members:** Christopher L. Biro, David A. Reichelt

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

- **Announced that a Recreation Committee Meeting will be called for Monday, March 2, 2009 at 6:30 p.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 – Nancy E. Fellows, Chair**

**Committee Members:** Christopher L. Biro, Frank A. Germano

Councilwoman Fellows was not in attendance; therefore no formal report was given.

**UTILITIES – Frank A. Germano, Chair**

**Committee Members:** Nancy E. Fellows, Raymond C. Somich

**COMMITTEE MEETING OF FEBRUARY 16, 2009**

**Members Present:** Chair Frank A. Germano, Councilman Raymond C. Somich

**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Mayor Robert M. Weger, City Engineer Richard Iafelice

**Purpose of the Meeting was to discuss Sanitary Sewer Project – Assessment Area C and any other business.**

**Meeting convened at 7:12 p.m.**

*Order of Business*

**Area Assessment C - White Road Sewer**

Discussed cost difference between Cuyahoga County Sewer and Euclid Sewer. Looked at contract (proposed) for Cuyahoga County Sewer with City, suggested a Termination Clause should be added

**Conclusion and Consensus – the Committee needs more information from Euclid to continue with dialogue**

*Public Portion*

**Public Portion was opened at 7:50 p.m.**

Bob Kowalsky – asked what is the Termination Clause , says Euclid received money for improvements, wants to stay out of Cuyahoga County Sewer

**Public Portion was closed at 7: 55 p.m.**

**Meeting adjourned at 7:55 p.m.**

**PERSONNEL RELATIONS – Christopher L. Biro, Chair**

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

The Personnel Relations 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 is no formal report was given.

**OTHER COUNCIL REPRESENTATIVE REPORTS**

Councilman Fiebig stated that if anyone has a problem with the use of the Willoughby Hills Postal Zip Code and is having issues with getting their mail delivered, they can contact the Mayor’s Assistant, Gloria Majeski.

**ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to adjourn until the next Regular Council Meeting.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Malecek declared that Council is adjourned until the next Regular Council Meeting.**

**Meeting adjourned at 7:43 p.m.**

**APPROVED:**

*March 12 2009*  
Date

**ATTEST:**

*Victoria Ann Savage*  
Victoria Ann Savage, CMC  
Clerk of Council

*Kevin D. Malecek*  
Kevin D. Malecek  
President of Council