

City of Willoughby Hills

Regular Council Meeting

Minutes of April 25, 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 7:00 p.m. by President David A. Reichelt

Pledge of Allegiance

Roll Call of Council

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

Absent: Councilman Kevin D. Malecek

Also Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, City Engineer Pietro A. DiFranco, Finance Director Frank J. Brichacek, Jr., Clerk of Council Victoria Ann Savage

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to excuse Councilman Kevin D. Malecek from the Regular Council Meeting of April 25, 2013.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Councilman Kevin D. Malecek has been excused from the Regular Council Meeting of April 25, 2013.

Disposition of the Journal Regular Council Meeting of April 11, 2013

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Somich to approve the Regular Council Meeting Minutes of April 11, 2013 as submitted.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Regular Council Meeting Minutes of April 11, 2013 have been approved as submitted.

CORRESPONDENCE

City Engineer's Report, dated April 18, 2013 (Emailed: April 17, 2013)

NOTIFICATIONS

Planning & Zoning Commission and Architectural Board of Review Meeting of April 18, 2013 has been cancelled for there were no pending projects (Emailed: April 15, 2013)

Rules and Legislation Committee Meeting of April 22, 2013 (Emailed: April 16, 2013)

MINUTES

Board of Building and Zoning Appeals Meeting Minutes of January 8, 2013 – Posted on City Website as of April 11, 2013

Recreation Commission Meeting Minutes of March 6, 2013 – Posted on City Website as of April 11, 2013

ON FILE

Letter from the Northeast Ohio Sustainable Communities Consortium to Council President David A. Reichelt, dated April 10, 2013 re: Vibrant NEO Workshop (Emailed: April 13, 2013)

MAYOR'S REPORT – Robert M. Weger

Services

Work is ongoing at the Veteran's Memorial Park – Gazebo being completed

Acknowledgements

Happy 90th Birthday to resident John Ponn

Condolences to the family of resident Maxine Stevenson who passed away on Sunday

Events

Boys League Spaghetti Dinner Fundraiser – Sunday, April 28th

LAW DIRECTOR'S REPORT – Thomas G. Lobe

Requested Ordinance No. 2013-14 be kept on Third Reading. Received letter from Representatives of the Civil Service Commission who raised some questions, issues and concerns and the Law Director has not had the opportunity to review the letter and for that reason, is requesting Council grant a two week delay in taking any action on the Ordinance.

Provided update on current litigation pertaining to Internet Sweepstakes

FINANCE DIRECTOR'S REPORT – Frank J. Brichacek, Jr.

No formal report was given

CITY ENGINEER'S REPORT – Pietro A. DiFranco, P.E.

Repairs made earlier this week on the Roger's Road Stabilization Project; in the process of reviewing the corrections made and making sure that they are acceptable to the City

Working on Bid Documents for the Maple Grove Pavement Improvements and Dodd's Landing Pavement Improvements; hoping to go out to bid mid-May

President Reichelt thanked the City Engineer for his assistance on the Veteran's Memorial Project

COMMITTEE REPORTS

President Reichelt asked if there were any Committee Chairs who would like to provide a report.

Committees Reports have been listed alphabetically.

RULES & LEGISLATION – David A. Reichelt, Chair

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

COMMITTEE MEETING OF APRIL 22, 2013

Members Present: President David A. Reichelt, Chair, Nancy E. Fellows, Vice Chair, Councilman Kevin D. Malecek

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Raymond C. Somich

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

Meeting convened at 6:35pm

Order of Business

Ordinance No. 2013-14 – Ordinance to establish a compulsory retirement age for Police and Fire Officers. This Ordinance would remain on Third Reading to further review questions pertaining to its validity and viability

Ordinance No. 2013-16 – Fee for Use of Police Vehicles

When used for extra detail, extra jobs throughout the City **It was the consensus of the Committee to recommend waiving the Three Reading Rule and Adopt the Ordinance at the Regular Council Meeting to be held this evening.**

Ordinance No. 2013-17, Ordinance No. 2013-18 and Ordinance No. 2013-19 – Accepting bids for various projects being done in the City. Lake Erie Construction for the Guard Rail Project, Ontario Concrete Stone for

Limestone and Osborne Concrete & Stone for the purchase of Asphalt

Ordinance No. 2013-20 – Authorizing the Mayor to enter into an Agreement with the State of Ohio for Rock Salt
It was the consensus of the Committee to recommend waiving the Three Reading Rule and Adopt the Ordinances 2013-17 thru 2013-20 at the Regular Council Meeting to be held this evening.

Resolution No. 2013-6 – A Memorandum of Understanding with Willoughby Hills Boys League

It was the consensus of the Committee to recommend waiving the Three Reading Rule and Adopt the Resolution at the Regular Council Meeting to be held this evening along with Resolution No. 2013-7, a Resolution commending Matthew P. Dolinar for achieving the Rank of Eagle Scout.

Public Portion

Opened: 7:02pm Closed: 7:02pm

Public Portion was opened at 7:02pm and with no one coming forth from the Public Sector was promptly closed at 7:02pm. The Mayor provided an update on various developments, propositions and projects in the City

Meeting adjourned at 7:19pm

OTHER COUNCIL REPRESENTATIVE REPORTS

President Reichelt provided a report on a meeting that was held at the Cuyahoga County Airport earlier this evening. The meeting held at the Cuyahoga County Airport and was called by Cuyahoga County Council Representative Sunny Simon. The purpose of the meeting was to talk about the impacts of the potential closing of the Tower at the Cuyahoga County Airport due to the sequestration and the second item of discussion was the status of the Environmental Assessment in regards to the adoption of the Master Plan and the potential expansion of the Airport. The meeting started at 5:30pm and was still in progress when he left at 6:40pm. Very interesting meeting, the public was there to discuss much more than what was on the Agenda. There was no resolution other than to continue to hold meetings as new developments occur.

Councilman Somich, speaking as a representative on the Mayor's Economic Development Task Force that is working in the Community. Councilman Somich wanted to reassure all the Members of Council that the Task Force is meeting on a regular basis and it has also been sub-divided into two additional Committees, one that is looking at the Western part of the City and the other which is looking at the Eastern part of the City. In these two Sub-Committees we have added a couple of additional members that are only serving on the Sub-Committees. There are three groups currently meeting every month, Steve Roszczyk is responsible ultimately for all of these different groups; the groups are meeting regularly and discussing a number of different issues, generally, not only in terms of filling the vacancies but also some discussion on zoning, the Town Center, and other aspects of the Community. Councilman Somich stated that sometime in the near future, the Members will be hearing from this group and they will be making some recommendations and suggestions and making some general communication with Council. Again, Councilman Somich wanted to assure Council that there are people working on this regularly and affirmatively dedicated to trying to improve the economic climate along with Steve.

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 7:24pm

Linda Fulton

2990 Marcum Boulevard

Re: Rogers Road Slope Failure – Who was found to be liable for repairs?

Public Portion was closed at 7:25pm

UNFINISHED BUSINESS

The Law Director responded to the question that was brought forth during Public Portion pertaining to liability of the Rogers Road Slope Failure. The City did not take legal action; CT Consultants and

Marous both voluntarily addressing the situation. No release has been signed. The issue has been resolved by participating in a voluntary manner with no legal intervention.

LEGISLATION

ORDINANCE NO. 2013-14 –THIRD READING

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS BY THE ESTABLISHMENT OF SECTION 157.24 – COMPULSORY RETIREMENT AGE POLICE AND FIRE DEPARTMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

President Reichelt declared that Ordinance No. 2013-14 would remain on Third Reading.

ORDINANCE NO. 2013-16

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 139 – POLICE DEPARTMENT, SECTION 139.04 – FEE FOR USE OF POLICE VEHICLES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2013-16.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-16 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Somich to adopt Ordinance No. 2013-16.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-16 has been adopted.

ORDINANCE NO. 2013-17

AN ORDINANCE ACCEPTING THE BID OF LAKE ERIE CONSTRUCTION COMPANY OF NORWALK, OHIO FOR THE 2013 GUARD RAIL PROJECT.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2013-17.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-17 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to adopt Ordinance No. 2013-17.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-17 has been adopted.

ORDINANCE NO. 2013-18

AN ORDINANCE ACCEPTING THE BID OF OSBORNE CONCRETE & STONE FOR THE PURCHASE OF ASPHALT FOR THE YEAR 2013 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2013-18.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-18 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to adopt Ordinance No. 2013-18.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-18 has been adopted.

ORDINANCE NO. 2013-19

AN ORDINANCE ACCEPTING THE BID OF ONTARIO STONE CORP. FOR THE PURCHASE OF LIMESTONE FOR THE YEAR 2013 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2013-19.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-19 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to adopt Ordinance No. 2013-19.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-19 has been adopted.

ORDINANCE NO. 2013-20

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SODIUM CHLORIDE (ROCK SALT) REQUIREMENTS FOR THE 2013-2014 WINTER SEASON AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-20.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-20 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Ordinance No. 2013-20.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-20 has been adopted.

RESOLUTION NO. 2013-6 – SECOND READING

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE WILLOUGHBY HILLS BOYS LEAGUE IN ORDER TO PROVIDE SPORTS PROGRAMS FOR THE YOUTH RESIDENTS OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Somich to suspend the Three Reading Rule for Resolution No. 2013-6.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Resolution No. 2013-6 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Fellows to adopt Resolution No. 2013-6.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Resolution No. 2013-6 has been adopted.

RESOLUTION NO. 2013-7

A RESOLUTION TO COMMEND MATTHEW P. DOLINAR FOR ACHIEVING THE RANK OF EAGLE SCOUT.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2013-7.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Resolution No. 2013-7 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Resolution No. 2013-7.

President Reichelt stated that Councilman Fiebig has agreed to present this Resolution to Eagle Scout Dolinar during the Eagle Court of Honor, a ceremony to be held on June 9, 2013.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Resolution No. 2013-7 has been adopted.

NEW BUSINESS

The Law Director requested that the Members of Council make a Motion to Reconsider Ordinance No. 2013-17 so that the Ordinance could be considered as an Emergency due to the necessary of the timing of this particular project. A Motion to Reconsider, A Motion to Amend to include the necessity of Emergency Action, A Motion to Suspend the Two Day Notification Rule, A Motion to Suspend the Three Reading Rule and then finally a Motion to Adopt the Ordinance as Amended. The Law Director advised the Members that they are just passing Ordinance No. 2013-17 as an Emergency.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to reconsider Ordinance No. 2013-17.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-17 can now be reconsidered.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to amend Ordinance No 2013-17 by the addition of an Emergency Clause.

President Reichelt stated that this action is being taken so that the City can get the Guard Rail Project underway.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-17 has been amended by the inclusion of an Emergency Clause.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to suspend the Two Day Notification Rule for Ordinance No. 2013-17 – As Amended.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Two Day Notification Rule for Ordinance No. 2013-17 – As Amended has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2013-17 – As Amended.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-17 – As Amended has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Ordinance No. 2013-17 – As Amended.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-17 – As Amended has been adopted.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to seek bids for the Maple Grove Road Pavement Improvements.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt stated that the Mayor may seek bids for the Maple Grove Road Pavement Improvements.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to seek bids for the Dodd's Landing Pavement Improvements.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt stated that the Mayor may seek bids for the Dodd's Landing Pavement Improvements.

FOR THE GOOD OF THE ORDER

Law Director Lobe:

Acknowledged the accomplishments of the Willoughby Hills Boys League and Tom Horvath

Councilman Reichelt:

Willoughby Hills Boys League Annual Fund Raiser: Spaghetti Dinner to be held this Sunday at the WH Community Center from Noon to 6:00pm – No Reservations

Wished the Council Clerk a Happy Birthday!

Councilwoman Fellows:

Wished the Mayor's Assistant a Happy Birthday!

Councilman Somich:

LakeTran and United Way teaming up this weekend will be collecting non-perishable food items. This Saturday Morning, Willoughby City Hall will have a LakeTran bus in their parking lot from 8:00am to Noon and everyone in Lake County is requested to head out in that direction and help pitch in to help fill the bus with food for the hungry of Lake County – Part of the United Way Feed Lake County Program.

Willoughby Hills Prescription Drug Take-Back Program

11th Annual Rally for the Troops to be held Downtown Cleveland on Public Square, Sunday from 11:00am to Noon – Free Event

President Reichelt:

Condolences to the Jameson Family on the passing of resident Chester Jameson a decorated WWII Veteran and was an active participant of the VFW.

ADJOURNMENT

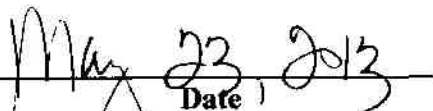
MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to adjourn the meeting.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared the Regular Council Meeting of April 25, 2013 to be adjourned at 7:50pm

APPROVED:


Date 1



David A. Reichelt
President of Council

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council