

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of June 27, 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:** Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, President David A. Reichelt, Councilman Raymond C. Somich, Councilman Christopher L. Biro

**Absent:** Councilman Kevin D. Malecek  
Mayor Robert M. Weger  
Law Director Thomas G. Lobe

**Also Present:** Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. DiFranco, 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 June 27, 2013.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Reichelt declared that Councilman Kevin D. Malecek has been excused from the Regular Council Meeting of June 27, 2013.**

#### **Disposition of the Journal** Regular Council Meeting of May 23, 2013

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to approve the Regular Council Meeting Minutes of May 23, 2013 as submitted.

**Roll Call: Fellows-yes, Fiebig-yes, Germano-yes, Reichelt-yes, Somich-Abstain, Biro-yes**

**MOTION PASSES: 5 AYES/1 Abstention**

**President Reichelt declared that the Regular Council Meeting Minutes of May 23, 2013 have been approved as submitted.**

#### **CORRESPONDENCE**

City Engineer's Report, dated June 20, 2013 (Emailed: June 20, 2013)

#### **NOTIFICATIONS**

Cancellation of the Building and Zoning Appeals Meeting of Tuesday, July 9, 2013 for there were no appeals (Emailed: June 24, 2013)

Planning & Zoning Commission and Architectural Board of Review Meeting of June 20, 2013 (Emailed: June 17, 2013)

Cancellation of the Recreation Commission Meeting of July 3, 2013 (Emailed: June 18, 2013)

Recreation Commission Meeting of July 31, 2013 (Emailed: June 18, 2013)

Rules and Legislation Committee Meeting of June 27, 2013 (Emailed: June 25, 2013)

Utilities Committee Meeting of June 17, 2013 (Emailed: June 13, 2013)

## **MINUTES**

Planning & Zoning Commission and Architectural Board of Review Meeting Minutes of May 8, 2013 – Posted on City Website as of June 18, 2013 (Emailed: June 18, 2013)

Recreation Commission Meeting of May 16, 2013 – Posted on City Website as of June 18, 2013 (Emailed: June 18, 2013)

## **ON FILE**

The Housing Center – Housing Research & Advocacy Center News Letter for Summer 2013

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

The Mayor was not in attendance; therefore the City Engineer present the following information pertaining to the following Road Projects:

### **Road Projects**

Dodd's Landing – Beginning Friday, June 28th

Maple Grove Resurfacing over the I-90 Bridge – beginning July 15<sup>th</sup>

Gatsby-Kristen court Resurfacing – Awaiting Loan Approval

Letters will be sent to all affected residents prior to closure by the contractor

The Finance Director presented the following Announcements, Acknowledgements and Events:

### **Announcements**

Grange – Residing Project began on Monday

O'Reilly's Auto Parts – Construction Underway – Opening set for August 11<sup>th</sup>

CDBG Grant Approval – Should be announced in July 1<sup>st</sup> Newspapers – Hoping to secure funding for Handicapped Doors at the Community Center and a Handicapped Ramp at the Grange – Grant Application completed by Mayor's Office

### **Acknowledgements**

Welcome to Devin Edwards, our newest Part-Time Community Center Monitor

### **Events**

Captains Day at classic Park – July 17<sup>th</sup> – Tickets now available for the game, food package and parking

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

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

Law Director Lobe was not present; therefore, no formal report was given.

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

**Retainer Refund for the Regional Income Tax Agency** – This year, the Finance Director had budgeted approximately \$25,000 for Retainer Refund; the Retainer Refund is going to be \$98,000. The Finance Director explained that the Retainer Refund is by contract, the Regional Income Tax Agency withholds 3% from every communities' collections to meet their operations costs; there is a complicated formula in the contract, At the end of the year, it takes the actual costs of the agency and allocates them out to the members and the \$98,000 refund is the difference between what is charged to the City for 2012 and what the City's share is of the actual expenses. The Finance Director stated it has been his experience that there is almost always a refund, and the City's refund last year was about \$26,000, so it was a good year for the RITA; it brings their direct cost of collections down to above 2.2% which is phenomenal, the City could not touch that on their own, it is a significant drop from the past.

**Internet Cafes** – Continue to operate; it is the Finance Director understands that the Bill that would essentially shut them down did pass, but wouldn't be effective until 90 days after the Governor signs it which won't be until sometime in August. It a day-to-day situation with the Internet Cafes because, it is his understanding that they are like any other business that is threatened, they are trying to stay in business. There is a referendum being circulated and if it is successful, the Finance Director believes that it would delay the implementation of the law. That would get the City through most of the year; even if the Internet Cafes close their doors in August, it would give the City the revenue for two-thirds of the year.

**Healthcare Contracts** – The City choose Kaiser to provide employee healthcare for the next year. There is a net increase in the contract just under 10% which is a good news/bad news situation. The good news is that

the Finance Director budgeted 20% for this year's increase; we are under what had been budgeted for the year. The bad news obviously is that it will cost the City more money in real dollars than it has in the past. For awhile the situation was very grime; the initial quote from our former provider was nearly a 50% increase which would equate to approximately to a quarter million dollars on an annual basis. The City did return to the market, Kaiser did provide a quote, three of the major carriers declined to provide the City with a quote. As a result of getting the Kaiser quote, the City's former provider came back and dropped their proposal to a 22% increase. The Healthcare Committee did meet and felt that the plans provided comparable options, so the employees were comfortable with selecting the HMO Option offered by Kaiser. Administration has been very busy with enrolling employees and getting them transferred over to the new healthcare provider. Kaiser Representatives have been good with the employees; they came in and met with each of the employees, if they so chose and the process went fairly smooth. Roughly two-thirds of the employees selected the basic HMO Policy and the other third actually took the higher policy at their own expense. A retainer check was issued for exactly what the City's bill would be which took Kaiser by surprise.

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

No further report was given other than what was presented in the Mayor's Report – Road Projects.

#### **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**

<b>COMMITTEE MEETING OF JUNE 27, 2013</b>	
<b>Members Present:</b>	President David A. Reichelt, Chair, Councilwoman Nancy E. Fellows
<b>Also Present:</b>	Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Raymond C. Somich, Finance Director Frank Brichacek
Purpose of the Meeting was to discuss <b><u>Pending Legislation</u></b> and any other business.	
<b>Meeting convened at 6:32pm</b>	
<i>Order of Business</i>	
<b><u>Ordinance No. 2013-25</u></b> – Providing for the issuance and sale of notes for Road Projects. This week will be the final reading this Ordinance.	
<b><u>Ordinance No. 2013-29</u></b> – An Ordinance to amend Ordinance No. 2013-13, adjusting the budget allocations to maintain positive account balances, as routinely done throughout the year. Although the Ordinance will be discussed further by the Finance Committee on June 13, 2013, it was the consensus of the Committee to waive the Three Reading Rule and recommend Adoption at Thursday's Council Meeting (June 13, 2013).	
<b><u>Ordinance No. 2013-30</u></b> – Pervious Paver Project	
<b><u>Ordinance Nos. 2013-31 through 2013-34</u></b> – Affirming Pension Pickup Plan to comply with changes in State Pension systems – would apply to current Labor Contract where applicable	
<b><u>Resolution Nos. 2013- 11 and 2013-12</u></b> – Then and Now Certificates	
<i>Public Portion</i>	
<b>Public Portion was opened at 6:55pm and with no one coming forth, was promptly closed at 6:55pm</b>	
<b>Meeting adjourned at 6:56pm</b>	

#### **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 7:17pm**

1. Betty Hines – Board of Stratford Home Owner’s Association  
2923 Stratford Place  
Police Department Patrolling; Responded to House Alarm; Status Update of Sam’s Club
2. Adelio Coletta  
2601 SOM Center Road  
Building Inspection; Recommendation of Contractor for City Project - questioned if the Contractor was qualified?

### **Public Portion was closed at 7:23pm**

## **UNFINISHED BUSINESS**

Councilman Somich addressed the question pertaining to Sam’s Club stating that it is being leased until January 2014 through Developer’s Diversified. Councilman Somich further explained that there is a Task Force established by the Mayor and he is currently serving on the Task Force along with some residents and business owners in our Community; the Task Force is meeting on a monthly basis not only to try to solve that particular problem of vacancy, but the Task Force is also trying to solve Economic Development issues of the western part of the City.

Councilman Fiebig thanked Ms. Hines for taking the time to come and express her gratitude to the Police Department. Councilman Fiebig reported that he had heard today that Dunkin Donuts signed an agreement and they will be moving into a corner space retail space by the corner of Eddy and Bishop; will be a nice spark in the area and hopefully it will help the O’Reilly’s Auto Parts moving in the area as well. More activity coming in to the area and hopefully will spark up the area.

Councilman Fiebig responded to Mr. Coletta’s concerns by offering to meet with him and President Reichelt also offered to meet with Mr. Coletta following the Regular Council Meeting.

President Reichelt addressed Mr. Coletta’s concerns by stating that Administration and Council were made aware of this incident or issue during Mr. Coletta’s last appearance at City Council. While we appreciate knowing about this issue, we will be interested in seeing the documentation and everything will be forward on to the Mayor.

## **LEGISLATION**

### **ORDINANCE NO. 2013-25 – THIRD READING**

**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 ALL OF HANNA ROAD AND PORTIONS OF GATSBY LANE AND KRISTEN COURT, AND ALL NECESSARY APPURTENANCES THERETO.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to adopt Ordinance No. 2013-25.

Finance Director Brichacek wanted to state for the record that on May 20<sup>th</sup> a copy of the Fiscal Officer’s Certificate was presented to the Members of Council and in that Certificate, the Finance Director certified the following: (1) the estimated life or period of usefulness of the improvement is at least five years (2) the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is fifteen years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five

years shall be deducted from that maximum maturity of the bonds and (3) the maximum maturity of the Notes is twenty years from the date of issuance of the Notes.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-25 has been adopted.

#### **ORDINANCE NO. 2013-29**

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-13 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2013-29.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-29 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to adopt Ordinance No. 2013-29.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-29 has been adopted.

#### **ORDINANCE NO. 2013-30**

**AN ORDINANCE ACCEPTING THE BID OF LCI CONSTRUCTION, INC. OF KIRTLAND, OHIO FOR THE STORMWATER RETROFIT – PERVIOUS PAVERS PROJECT AND DECLARING AN EMERGENCY.**

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-30.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-30 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to adopt Ordinance No. 2013-30.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-30 has been adopted.

#### **ORDINANCE NO. 2013-31**

**AN ORDINANCE DECLARING THAT THE CITY OF WILLOUGHBY HILLS HAS DETERMINED TO CONTINUE TO PICK-UP MANDATORY CONTRIBUTIONS BY THE FULL-TIME EMPLOYEES OF THE POLICE DEPARTMENT OCCUPYING THE POSITIONS OF PATROL OFFICER AND SERGEANT WHO ARE MEMBERS OF THE OHIO POLICE & FIRE PENSION FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2013-31.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-31 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to adopt Ordinance No. 2013-31.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-31 has been adopted.

**ORDINANCE NO. 2013-32**

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**AN ORDINANCE DECLARING THAT THE CITY OF WILLOUGHBY HILLS HAS DETERMINED TO CONTINUE TO PICK-UP MANDATORY CONTRIBUTIONS BY THE FULL-TIME EMPLOYEES OF THE FIRE DEPARTMENT IN THE CLASSIFICATION OF FIRE FIGHTER, LIEUTENANT AND CAPTAIN WHO ARE MEMBERS OF THE OHIO POLICE & FIRE PENSION FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2013-32.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-32 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to adopt Ordinance No. 2013-32.

**President Reichelt wanted to clarify that although these four Ordinances sound much the same, there are slight differences defined by who they apply to, but they are changes to the City's Pick-Up Program that the City is obligated by contract to comply with and these are simply being done as a "house-keeping" issue to comply with the changes in the State Pension Program.**

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2013-32 has been adopted.**

**ORDINANCE NO. 2013-33**

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**AN ORDINANCE DECLARING THAT THE CITY OF WILLOUGHBY HILLS HAS DETERMINED TO CONTINUE TO PICK-UP MANDATORY CONTRIBUTIONS BY THE CHIEF OF THE WILLOUGHBY HILLS POLICE DEPARTMENT WHO IS A PARTICIPATING MEMBER OF THE OHIO POLICE & FIRE PENSION FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2013-33.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-33 has been suspended.**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to adopt Ordinance No. 2013-33.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2013-33 has been adopted.**

**ORDINANCE NO. 2013-34**

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**AN ORDINANCE DECLARING THAT THE CITY OF WILLOUGHBY HILLS HAS DETERMINED TO CONTINUE TO PICK-UP MANDATORY CONTRIBUTIONS BY THE CHIEF OF THE WILLOUGHBY HILLS FIRE DEPARTMENT WHO IS A PARTICIPATING MEMBER OF THE OHIO POLICE & FIRE PENSION FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2013-34.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-34 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to adopt Ordinance No. 2013-34.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

President Reichelt declared that Ordinance No. 2013-34 has been adopted.

#### **RESOLUTION NO. 2013-11**

**A RESOLUTION TO APPROVE A THEN AND NOW CERTIFICATE AND TO AUTHORIZE THE FINANCE DIRECTOR TO DRAW A WARRANT FOR THE ORDERS OR CONTRACTS ASSOCIATED WITH SUCH CERTIFICATE AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to suspend the Three Reading Rule for Resolution No. 2013-11.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

President Reichelt declared that the Three Reading Rule for Resolution No. 2013-11 has been suspended.

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Germano to adopt Resolution No. 2013-11.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

President Reichelt declared that Resolution No. 2013-11 has been adopted.

#### **RESOLUTION NO. 2013-12**

**A RESOLUTION TO APPROVE A THEN AND NOW CERTIFICATE AND TO AUTHORIZE THE FINANCE DIRECTOR TO DRAW A WARRANT FOR THE ORDERS OR CONTRACTS ASSOCIATED WITH SUCH CERTIFICATE AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Resolution No. 2013-12.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

President Reichelt declared that the Three Reading Rule for Resolution No. 2013-12 has been suspended.

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to adopt Resolution No. 2013-12.

President Reichelt stated that again, the purpose of these two Resolutions is simply a matter of “housekeeping” to comply with the recommendations of the State Auditor as we have done throughout the year when the forms don’t come in the right order and we have to clarify it. Councilman Somich wanted to mention that this is really not an emergency, that we have to be concerned about, it is a technical terminology where these can be signed and enacted immediately as opposed to having to wait a thirty-day period before they can become official. Councilman Somich stated that it is just a technicality in using that particular term. President Reichelt concluded that it just makes government more expedient.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

President Reichelt declared that Resolution No. 2013-12 has been adopted.

#### **NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Somich to declare a 2002 John Deer Gator, Serial #W006X4X046047, valued at approximately \$500 as surplus.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

President Reichelt declared that Ordinance No. 2013-28 has been adopted.

Finance Director reported that he will be bringing forward to Council, the 2014 Tax Budget. There will be a Public Hearing scheduled prior to the Regular Council Meeting of July 11, 2013. The Tax Budget will need to be adopted as an emergency for it needs to be adopted no later than July 15<sup>th</sup> and filed with the County prior to July 20<sup>th</sup>.

## **FOR THE GOOD OF THE ORDER**

### **President Reichelt:**

Corn Fest to be held on August 17<sup>th</sup> and August 18<sup>th</sup> - with the diligent work of Gloria Majeski and a group of dedicated volunteers, who met earlier this week, it looks as if Corn Fest is really shaping up to be a good time and will be held a little earlier this year on the 17<sup>th</sup> and 18<sup>th</sup>

### **Councilman Somich:**

Business Climate – West-end of City – Block Buster

Our Lady of Mt. Carmel – 23<sup>rd</sup> Annual Parish Festival to be held on June 28 – 30, 2013

Ohio Celtic Festival to be held at the Lake County Fairgrounds in Painesville Township on June 28 – 30, 2013

### **Councilwoman Fellows:**

Wished Councilman Germano's son a Happy B-Day!

### **Councilman Fiebig:**

Acknowledged Mayor's upcoming B-Day on June 30<sup>th</sup>

## **ADJOURNMENT**

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

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared the Regular Council Meeting of June 27, 2013 to be adjourned at 7:45pm**

APPROVED:

September 12, 2013  
Date

David A. Reichelt

**David A. Reichelt**

*President of Council*

ATTEST:

Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council