

City of Willoughby Hills

Regular Council Meeting

Minutes of April 11, 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 David M. Fiebig, Councilman Frank A. Germano, Councilman Kevin D. Malecek, President David A. Reichelt, Councilman Raymond C. Somich, Councilman Christopher L. Biro
Vice President Nancy E. Fellows

Absent: City Engineer Pietro A. DiFranco

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

Disposition of the Journal Regular Council Meeting of March 28, 2013

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Malecek to approve the Regular Council Meeting Minutes of March 28, 2013 as submitted.

Roll Call: Fiebig-yes, Germano-yes, Malecek-yes, Reichelt-yes, Somich-abstain, Biro-yes, Fellows-yes

MOTION PASSES: 6 AYES/1-Abstention from Councilman Somich

President Reichelt declared that the Regular Council Meeting Minutes of March 28, 2013 have been approved as submitted.

CORRESPONDENCE

City Engineer's Report, dated April 4, 2013 (Emailed: April 4, 2013)

Mayor's Court Monthly Statement for March, 2013 (Emailed: April 9, 2013)

NOTIFICATIONS

Board of Building and Zoning Appeals Meeting of April 9, 2013

Planning & Zoning Commission and Architectural Board of Review Meeting of April 4, 2013

Recreation Commission Meeting of April 3, 2013

Rules & Legislation Committee Meeting of April 11, 2013 (Emailed: April 5, 2013)

Safety Committee Meeting of April 11, 2013 (Emailed: April 5, 2013)

MINUTES

Finance Committee Meeting Minutes of March 28, 2013 (Emailed: April 9, 2013)

Service Committee Meeting Minutes of March 28, 2013 (Emailed: April 9, 2013)

ON FILE

Willoughby Hills Senior Center News Letter for April 2013, Number 60

MAYOR’S REPORT – Robert M. Weger

Services

Work is ongoing at the Veterans Memorial Park – Gazebo due to be delivered in about two weeks
Loader surplus equipment put on Internet Auction Website on Monday – Auction will end in 21 days – all information is on our City Website

Acknowledgements

The Month of April is being observed as “National Child Abuse Awareness Month” – please support all events for this cause
Thanks to our AARP Tax Assistance members who assisted our residents with completion of their Federal and State Income Tax Forms
Congratulations to Ray Somich on his recognition this a.m. by United Way of Lake County with the Matt Logies Award, presented in recognition of his efforts to promote United Way
Good Luck to South High’s Academic Team as they head to National Competition in Minneapolis from April 24th to the 26th

Events

First Fall Corn Fest Committee Meeting on Tuesday, April 16, 2013 at 6pm at WH Community Center Senior Room – all are welcome to attend

LAW DIRECTOR’S REPORT – Thomas G. Lobe

Update on Internet Sweepstakes – window of legality is closing
Requested an Executive Session to be called to address threat of litigation, inviting all Members of Council, the Mayor, and the Law Director

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

No formal report was given

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

City Engineer was absent; therefore no formal report was given.

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 11, 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, Law Director Thomas G. Lobe, Mayor Robert M. Weger
Purpose of the Meeting was to discuss Pending Legislation and any other business.
Meeting convened at 6:07pm
<i>Order of Business</i>
Ordinance No. 2013-14 – Ordinance to establish a compulsory retirement age for Police and Fire Officers. This Ordinance was placed in the Safety Committee for further review.
<u>Ordinance No. 2013-15 – Purchase of IT Equipment to upgrade the IT System for the City</u> The Ordinance will be amended this evening to include an Emergency Clause 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.
<u>Resolution No. 2013-6 – Memorandum of Understanding with the Willoughby Hills Boys League. This Resolution will be read for the first time this evening.</u>

Public Portion

Opened: 6:14pm Closed: 6:17pm

Linda Fulton asked a question with respect to items discussed.

Meeting adjourned at 6:17pm

SAFETY – Raymond C. Somich, Chair

Committee Members:

Christopher L. Biro, President David A. Reichelt

COMMITTEE MEETING OF APRIL 11, 2013

Members Present: Councilman Raymond C. Somich, Chair, Councilman Christopher L. Biro, President David A. Reichelt

Also Present: Councilman Frank A. Germano, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Councilman Kevin D. Malecek, Mayor Robert M. Weger, Law Director Thomas G. Lobe, Police Chief Christopher Collins, Fire Chief Richard Harmon

Purpose of the Meeting was to discuss **Compulsory Retirement Age for Police and Fire Departments** and any other business.

Meeting convened at 6:17pm

Order of Business

Police Chief Collins said that we need this Ordinance No. 2013-14 due to concerns for safety of our residents and our staff. It establishes compulsory retirement ages for our Police Officers and Firefighters.

Fire Chief Harmon agreed and said the strenuous physical demands of firefighters (carrying victims, climbing stairs and hillsides, etc.) especially pose these safety risks.

There is a provision for currently employed Safety Department members. There are only a few members impacted now or in the near future:

PD Total 31 staff: 1 Officer past threshold + 1 within a year

FD Total 40 Staff: No Full Time Firefighters, 1 – P/T at threshold + 2 P/T within a year or 2

We also discussed current fitness standards and enforcements and our wellness activities and legal or Union limitations
Consensus by Committee Members to recommend passage of Ordinance No. 2013-14.

We also discussed the June 8th Cleveland Color Run to be held at the western side of the City.

Public Portion

Public Portion began at 6:53pm. Linda Fulton asked if any conflict with State Retirement Programs and there is none.

Meeting adjourned at 6:55pm

OTHER COUNCIL REPRESENTATIVE REPORTS

Councilman Fiebig reported on the Planning and Zoning Commission Meeting held April 4th. A presentation was given by Clover Construction on a 113 Senior Living Facility located within the DiFini Chagrin North Complex. Residents living in the area (Martin/Dixon) were also present to express their concerns.

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

Public Portion was opened at 7:17pm and with no one coming forth from the Public Sector was promptly closed at 7:17pm

UNFINISHED BUSINESS

There was no unfinished business brought forth for the consideration of Council.

LEGISLATION

ORDINANCE NO. 2013-14 –SECOND 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 Second Reading.

ORDINANCE NO. 2013-15 – SECOND READING

AN ORDINANCE ACCEPTING THE QUOTE OF PARAGRAPH OF INDEPENDENCE, OHIO FOR THE UPGRADE OF COMPUTER HARDWARE TO ACCOMMODATE UPGRADES TO THE CMI SOFTWARE AND THE ADDITION OF SOME NEWER TECHNOLOGY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to amend Ordinance No 2013-15 by the addition of an Emergency Clause. President Reichelt stated that since this is relatively a time-sensitive issue, this allows the Administration to proceed once the Ordinance has been approved.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-15 has been amended by the inclusion of an Emergency Clause.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Germano to suspend the Two Day Notification Rule for Ordinance No. 2013-15.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Two Day Notification Rule for Ordinance No. 2013-15- As Amended has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2013-15 – As Amended.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-15 – As Amended has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Ordinance No. 2013-15 – As Amended.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-15 – As Amended has been adopted.

RESOLUTION NO. 2013-6

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.

President Reichelt declared that Resolution No. 2013-6 would remain on First Reading.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to adjourn into Executive Session following “For the Good of the Order”, inviting all Members of Council, the Mayor and the Law Director for the purpose of discussing the threat of litigation.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt stated that an Executive Session would be called, following "For the Good of the Order", inviting all Members of Council, the Mayor and the Law Director for the purpose of discussing the threat of litigation, at which time, the Finance Director will be excused at such time.

FOR THE GOOD OF THE ORDER

President Reichelt:

Congratulated Councilman Somich on receiving the Matt Logies Award in recognition of his efforts to promote United Way

Councilman Somich:

CityMusic – Final Concert of the season to take place at St. Noel’s Church on Saturday, April 20th beginning at 7:30pm

On Thursday, April 18th – All the Lake County Chambers are coming together for "Think Manufacturing" – A Countywide Event to be held at Mentor High School from 6-8pm

Lake Metroparks Farmpark – Penitentiary Glen Reservation hosting Earth Day Events on April 21st from Noon-4pm

Councilman Fiebig:

Willoughby South High School Academic Decathlon Team is holding a fund raising dinner on Tuesday, April 16th from 4-8pm

Councilwoman Fellows:

Congratulations to Councilman Somich on his award, demonstrating the importance of volunteerism. Now, if Councilwoman Fellows is correct, our own Steve Roszczyk received the Award last year; hopefully, next year we can make it three in a row !

At 7:26pm the Members of Council along with the Mayor, Law Director adjourned into Executive Session.

The Regular Council Meeting reconvened at 7:43pm with all of the Members of Council, the Mayor, Law Director present.

ADJOURNMENT

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

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared the Regular Council Meeting of April 11, 2013 to be adjourned at 7:44pm

APPROVED: April 11, 2013
Date

David A. Reichelt
David A. Reichelt
President of Council

ATTEST: Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council