

# City of Willoughby Hills

Council  
CHRISTOPHER L. BIRO  
DAVID M. FIEBIG  
FRANK A. GERMANO  
KEVIN D. MALECEK  
RAYMOND C. SOMICH

## Regular Council Meeting

### Minutes of March 14, 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 Vice President Nancy E. Fellows serving as President Pro-tem*

#### *Pledge of Allegiance*

#### **Roll Call of Council**

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

**Absent:** President David A. Reichelt  
Mayor Robert M. Weger

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

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Malecek to excuse President David A. Reichelt from the Regular Council Meeting of March 14, 2013.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Pro-tem Fellows declared that President David A. Reichelt has been excused from the Regular Council Meeting of March 14, 2012.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Malecek to appoint Councilman Christopher L. Biro to serve as Vice President Pro-tem for the Regular Council Meeting of March 14, 2013.

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

**MOTION PASSES: 5 AYES/1-Abstention from Councilman Biro**

**President Pro-tem Fellows declared that Councilman Christopher L. Biro has been appointed to serve as Vice President Pro-tem for the Regular Council Meeting of March 14, 2013.**

#### **Disposition of the Journal** Regular Council Meeting of February 28, 2013

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to approve the Regular Council Meeting Minutes of February 28, 2013 as submitted.

**Roll Call: 6 – AYES**

**MOTION PASSES**

**President Pro-tem Fellows declared that the Regular Council Meeting Minutes of February 28, 2013 have been approved as submitted.**

## **CORRESPONDENCE**

City Engineer's Report, dated March 7, 2013 (Emailed: March 7, 2013)  
Mayor's Court Monthly Statement for February, 2013 (Emailed: March 12, 2013)  
Building Department Memo, dated March 6, 2013, re: Sheriffs Sales in the City of Willoughby Hills 2013 (Emailed: March 12, 2013)

## **NOTIFICATIONS**

Board of Building and Zoning Appeals did not meet on Tuesday, March 12, 2013 for there were no appeals (Emailed: February 27, 2013)  
Finance Committee Meeting of March 14, 2013 (Emailed: March 12, 2013)  
Planning & Zoning Commission and Architectural Board of Review Meeting of March 7, 2013 (Emailed: March 4, 2013)  
Recreation Commission Meeting of March 6, 2013 (Emailed: February 27, 2013)  
Recreation Committee Meeting of March 11, 2013 (Emailed: March 6, 2013)

## **MINUTES**

Recreation Commission Meeting Minutes of February 6, 2013 – Posted on City Website as of March 12, 2013  
Recreation Committee Meeting Minutes of March 11, 2013 (Emailed: March 14, 2013)

## **ON FILE**

Willoughby Hills Senior Center News Letter for March 2013, Number 59

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

### **Mayor's Report was presented by the Law Director Services**

Bid opening took place today for 2013 Pavement Markings (Road Striping) Program. Bids also reviewed, tabulated and awarded to lowest bid contractor. Project completion date is June 21, 2013  
Work will soon begin on the Veteran's Memorial Park at the community Center Parking Lot. Donations for benches & other commemorative items still accepted. Pick up application at City Hall  
RITA coming to City Hall for City Tax Completion – 1 day only – walk in basis – Wednesday, March 20, 2013 from 2pm to 7pm  
Just Confirmed!! Corn Fest – dates have been set earlier this year – Corn Fest will be Saturday, August 17<sup>th</sup> and Sunday, August 18<sup>th</sup> of 2013 – earlier to try to escape the rain and provide more fun before the kids go back to school. All details upcoming on Corn Fest website: [www.whcornfest.com](http://www.whcornfest.com)

### **Acknowledgements**

Congratulations to South High School's Academic Decathlon Team – Qualified to go to Nationals – Special recognition to resident Christina Shrefler who was the high scorer at the tournament and brought home a \$3000 scholarship to Lake Erie College for her achievement!

### **Events**

2013's Final Pancake Breakfast served by Willoughby Hills Lions Club – this Sunday, March 17 – tickets available at City Hall – Features our famous Basket Raffle & TV & Kindle Fire Raffle for Corn Fest  
Recreation's Easter Party – Saturday, March 23<sup>rd</sup> at 1pm

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

Status of Litigation

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

No formal Report  
Note Sale Closed – Successful Sale

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

No formal report was given – Everything was covered in the Mayor's Report

## COMMITTEE REPORTS

President Pro-tem Fellows asked if there were any Committee Chairs who would like to provide a report. Committees Reports have been listed alphabetically.

**FINANCE – Kevin D. Malecek**

**Committee Members:**

**Christopher L. Biro, Nancy E. Fellows**

### COMMITTEE MEETING OF MARCH 14, 2013

**Members Present:** Councilman Kevin D. Malecek, Chair, Councilwoman Nancy E. Fellows, Vice-Chair, Councilman Christopher L. Biro

**Also Present:** Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Raymond C. Somich, Finance Director Frank Brichacek

**Purpose of the Meeting was to discuss 2013 Budget and any other business.**

**Meeting convened at 6:09pm**

#### *Order of Business*

#### **Ordinance 2013-10: Purchase of New Free Loader**

Built into the 2013 Operating Budget as part of Service Department budget – other motivation – cost of maintaining the current Wheel Loader is getting prohibitive. Did we look into getting one on our own (Fiebig)? State bid contract number on this might be (Fellows)? Looking for other numbers from other dealers for the trade-in. Coming from Road Levy Fund and also a component from the Sewer Fund. We are buying a piece of equipment that is roughly \$104k, and the open question is do we do the trade with the offer on the table or are we able to do it on the open market to sell for more? We have all kinds of questions on this and need more time to review it. Concerns about timing and research for Council to be able to do due diligence and review before we would approve. Can't keep doing things on the "fly."

**Recommendation to waive Three Reading Rule and Adopt at Council.**

#### **Continued Discussion on 2013 Budget**

Completed proposed budget for 2013 – results in a General Fund deficit – we would end the year with about a 100k General Fund Balance. Significant increase in Workers' Compensation – increase due to claims history. 20% increase projection in Hospitalization. No contingency built into the budget – two weeks ago we looked at an overall deficit of \$200,000 – so plenty of work has been done to improve it - Firefighter reduction -. Reduced Part-Time Dispatch. Remove funding for the Radio Lease – five year lease for radio equipment (can use Law Enforcement Trust Fund instead). \$500k equipment related to the purchase of new vehicles. Service Departments – currently an open position and we will not be filling the position. 100k reduction in Construction Fund. One of two Recreation Coordinators is open and not filling it in this Budget. Not the year to be taking changes. Revisiting Income Tax Projection – hopeful that it is a tad low. Income Tax Collections for 2013 are running close to 2012 to-date collections. Eaton Corporation loss will be felt soon – not as yet. Prepared an overall budget book – overall revenue schedules. Negotiations have likely not begun for future years – 2013 items are included in the current draft budget. Prior we had a \$50,000 contingency in the Budget – your contingency is your Fund Balance. Would it be prudent to look at a smaller contingency (\$25,000)? 2014 would be a tough year – we are going to have to either find cost savings or new revenue. Hope is to get a tenant at Eaton. Loss of the Estate Tax Funding – used to fund a portion of General Obligation Debt. Budget Report from the Mayor – Budget Message in here – bullet points for reference.

**Internet Cafes** – going to have to make adjustments in the Budget. \$150k overall for the year revenue-wise if it goes away. This is totally the result of external actions and forces that are negatively impacting the Budget. Real Estate, Income Tax, State Funding Cuts – all impacting us in 2013. Road Levy – probably have to look at 2014 – Renewal.

**Debt Service** – New Note coming into replace the old note. Significant from last couple of years – money for Assessment Area C, Rogers Road also a component. Capitol Fund – Fund 420 – Property Acquisition, Demolition, Computer Software Upgrade, Veterans Memorial Park Funding.

Pretty confident in this Budget in terms of all of the outside influences – we will move forward with this Budget being drafted into Ordinance form for consideration at the meeting on March 28<sup>th</sup>.

#### **Public Portion (6:53pm):**

***Cheryl Ota – Wheel Loader, Sewer Fund – 635k***

**Meeting adjourned at 6:55pm**

## RECREATION – Christopher L. Biro

Committee Members:

Councilman David M. Fiebig, Councilman Raymond C. Somich

### COMMITTEE MEETING OF MARCH 11, 2013

**Members Present:** Councilman Christopher L. Biro, Chair, Councilman David M. Fiebig, Councilman Raymond C. Somich

**Also Present:** Vice-President Nancy E. Fellows, Mayor's Assistant Gloria Majeski, Willoughby Hills Boys League Members: Tom Horwatt, Tom Elliott, Joe Jarmuszkiewicz

Purpose of the Meeting was to discuss **WH Boys League Memorandum of Understanding** and any other business.

**Meeting convened at 6:32pm**

#### *Order of Business*

**WHBL Memorandum of Understanding (MOU):** Discussed MOU Ordinance draft that would codify working relationship between city and WHBL. Main topic involved insurance and liabilities. Information obtained from city insurance representative discussed General Liability Policy the City holds. "Our policy does not provide for any medical liability and expects that the participants would carry their own medical coverage."

"This policy would come into play in the event that a parent would try to sue a coach over the treatment of their child. (no play time or feeling of harassment, etc.)".

**Also discussed** were subjects of: (1) Background Checks for Coaches, (2) Equipment Procurement and Maintenance for participants, (3) Processing of Fees, (4) Scheduling and Payment for Umpires and Referees, (5) Financial Reporting between City and WHBL, and Facilities Administration and (6) the WHBL will work closely with the Willoughby Hills Recreation Coordinators, and Service Director.

#### *Public Portion*

**Meeting adjourned at 7:33pm**

## OTHER COUNCIL REPRESENTATIVE REPORTS

**Councilman Fiebig reported that he attended the Chagrin River Watershed Partners Trustees Meeting held on February 21<sup>st</sup>.** The meeting ran approximately 90 minutes and it was his first meeting filling in for Billie Kamis who so admirably served as the City's representative for about seventeen years, since it's inception and he knows that there is Resolution that recognized Billie for her service. To provide an overview of CRWP and the Meeting held on February 21<sup>st</sup>, Councilman Fiebig distributed the Chagrin River Watershed Partners, Inc., 2012 Annual Report along with the Meeting Agenda to the Members of Council and the Council Clerk. Councilman Fiebig stated that CRWP is a good organization, now in its 18<sup>th</sup> year, and of course the health of our environment and the health of our economy are closely intertwined. Councilman Fiebig is very happy to serve and appreciates the opportunity and the trust that Council has put in him.

## 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 7:16pm**

Linda Fulton

2990 Marcum Boulevard

Re: Ordinance No. 2013-10 – Passage of Ordinance to purchase equipment – Passage of Emergency Legislation under pressure; Where is the money coming from? Buy now, worry how to pay later? Disappointed with Council and Administration.

President Pro-tem Fellows asked the Finance Director state where the money is coming from. Finance Director Brichacek stated \$16,000 from Sewer Fund and balance is coming from Road Levy Fund 270

Law Director requested to address Ms. Fulton's concerns.

### **Public Portion was closed at 7:20pm**

## UNFINISHED BUSINESS

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

## **LEGISLATION**

### **RESOLUTION NO. 2013-4**

**A RESOLUTION COMMENDING WILHELMINA “BILLIE” KAMIS FOR SERVING AS THE WILLOUGHBY HILLS’ TRUSTEE TO THE CHAGRIN RIVER WATERSHED PARTNERS.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2013-4.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Pro-tem Fellows declared that the Three Reading Rule for Resolution No. 2013-4 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to adopt Resolution No. 2013-4.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Fellows declared that Resolution No. 2013-4 has been adopted.**

## **NEW BUSINESS**

Councilman Somich reported that in the sequestration, some of the cuts that came down were intentionally high-profile items that would get a lot of attention and would prove how serious the cuts through sequestration were. One of those cuts would be small airport towers and in fact, our Cuyahoga County Airport Tower will no longer be funded through Federal dollars to pay for the staffing. That has not gone into effect, but it will shortly. We have communicated that and it has been communicated to us. Councilman Somich did speak with Nancy Ferrani today, who was involved with the Airport property and she told me that there is some congressional action that has been proposed already to stop that from happening. We don’t have final details, we don’t know if and when it will happen, but there is an effort in Congress because they felt that this could be a problem for communities, like ours, and so there is action pending at this time to try to avoid the loss of Federal funding for tower staffing.

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

### **Councilman Fiebig**

Passing of resident Anton Turniski lived in Willoughby Hills for 35 years, just a wonderful man and would like to extend our condolences to the family

Passing of Lake County Probate Judge Klammer, a great loss to all of Lake County

### **Councilman Somich**

Wanted to direct residents’ concern with respect to the new City Motto to Law Director Lobe who had provided the Mayor’s Report this evening. Residents want to know why the motto was changed and perhaps an explanation as to the reasoning of why the Motto would be changed.

**Annual Rail Fest - Model Trains – Lakeland Community College**, this Saturday and Sunday, there is a fee. A very large show, four hundred tables of trains.

**Annual Kid Show to be held at the Great Lakes Mall** to take place next Saturday, March 23<sup>rd</sup> and Sunday, March 24<sup>th</sup>

## **ADJOURNMENT**

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

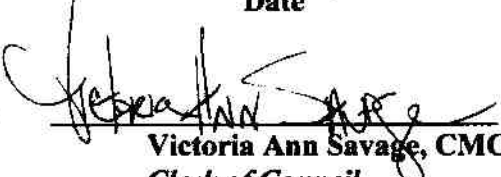
**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Pro-tem Fellows declared the Regular Council Meeting of March 14, 2013 to be adjourned at 7:27pm**

APPROVED: March 28 2013  
Date

Nancy E. Fellows  
Nancy E. Fellows  
President of Council, Pro-tem

ATTEST:   
Victoria Ann Savage, CMC  
Clerk of Council