

# City of Willoughby Hills

## Regular Council Meeting Minutes of February 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 President David A. Reichelt*

*Pledge of Allegiance*

### Roll Call of Council

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

**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

President of Council welcomed the City's new Engineer, Pete DiFranco from the Engineering firm of Richard L. Bowen and the Boy Scouts in the audience, a real pleasure to see them stand and salute the flag.

### **Disposition of the Journal** Regular Council Meeting of January 24, 2013

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to approve the Regular Council Meeting Minutes of January 24, 2013 as submitted.

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

**MOTION PASSES: 6 – AYES, 1 – Abstention**

President Reichelt declared that the Regular Council Meeting Minutes of January 24, 2013 have been approved as submitted.

### **Correspondence**

- Clerk of Council to Mayor Robert M. Weger, Serving as Safety/Service Director and the Members of Council, dated January 24, 2013 re: Ohio Department of Liquor Control – C TRFO 0955798 (Emailed: January 24, 2013)
- Mayor's Court Monthly Statement for the Month of January 2013 (Emailed: February 12, 2013)
- **FINANCIAL REPORTS FOR THE MONTH ENDING DECEMBER 2012 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS** (Emailed: January 28, 2012)

### **Notifications**

- Board of Building and Zoning Appeals will not meet for there were no appeals (Emailed: January 30, 2013)
- Cuyahoga County Department of Public Works Open House scheduled for February 27, 2013 (Emailed: February 6, 2013)
- Finance Committee Meeting of February 11, 2013 (Emailed: February 8, 2013)
- Planning and Zoning Commission & Architectural Board of Review Meeting of February 7, 2013 (Emailed: February 5, 2013)

- Rules & Legislation Committee Meeting of February 11, 2013 (Emailed: February 8, 2013)

#### **Minutes**

- Finance Committee Meeting of February 11, 2013 (Emailed: February 12, 2013)
- Planning and Zoning Commission & Architectural Board of Review Meeting of December 6, 2012 (Emailed: February 11, 2013)
- Rules and Legislation Committee Meeting of February 11, 2013 (Emailed: February 12, 2013)

#### **On File**

- Willoughby Hills Senior Center News Letter for February 2013, Issue Number 58

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

**Law Director presented the Mayor's Report. The report contained the following main topics:**

- Free AARP Tax Assistance – Appointments every Tuesday from February 5<sup>th</sup> through April 9<sup>th</sup> - Call the Mayor's Office to secure an appointment
- Internet Auction closed this week on Public Surplus – The City earned approximately \$18,000 on the purchase of 3 snow plows and 2 old police cars. The only vehicle not sold was the fire truck
- City Newsletter has been sent to the printer and should be arriving in resident mailboxes I the next few weeks

#### **Acknowledgements**

- Congratulations to residents Chuck and Nancy Glinski on their 60<sup>th</sup> Wedding Anniversary
- Thanks to Firefighters Patty Heller and Diana Woolf for organizing the Fundraiser Pancake Breakfast last Sunday. \$1,500 was raised for the Bike Helmet Safety Program. Thanks to all who worked and attended to make this a success.
- Welcome to our new City Engineer, Pietro DiFranco and Assistant City Engineer Dan Collins
- Welcome Keith Skinner (Part-time Police Officer), Jenifer Hanas (Full-time Dispatcher and Molly Brodzinski (Part-time Community Center Monitor)

#### **Upcoming Events**

- First Covenant Church – Saturday, February 16, 2013 at 12:30pm “The Columbia Space Shuttle” Luncheon – all welcome - \$5 lunch fee
- Cuyahoga County Airport – Open House for discussion on Environmental Assessment proposals – Wednesday, February 27<sup>th</sup> from 3:30 to 7:30pm
- Baseball & Softball Registrations – now till March 3<sup>rd</sup>
- City Music – St Noel, Thursday, March 7<sup>th</sup> at 7:30pm
- Pancake Breakfasts – Sunday, March 3<sup>rd</sup>, 10<sup>th</sup> and 17<sup>th</sup> – Tickets available at City Hall

**President Reichelt wanted to provided clarification with respect to the Cuyahoga County Airport Open House at the Cuyahoga County Airport. This is a long awaited opportunity for the residents to express their opinion for the permanent record in regards to Airport Expansion and the conclusion of the development of the Master Plan. This was a stage that was predicted to us many year ago, and it has always been told to us that this was our opportunity to speak on the record, so the President of Council encourages residents to attend the Open House scheduled for February 27<sup>th</sup> from 3:30pm to 7:30pm at the Cuyahoga County Airport located on Curtiss-Wright Parkway.**

**The Law Director wanted to add that there will be sign-in sheets, please make sure that you sign in. President Reichelt is sure that all the Members of Council will be attending and encourages residents to attend as well.**

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

- No formal report

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

- No formal report.

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

- No formal report. Wanted to thank everyone, on behalf of Bowen and Associates, for this opportunity, very excited to work in the City of Willoughby Hills.

## **COMMITTEE REPORTS**

**President Reichelt 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 FEBRUARY 11, 2013**

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

**Also Present: Councilman David M. Fiebig, Councilman Frank A. Germano, President David A. Reichelt, Finance Director Frank Brichacek, Mayor Robert M. Weger**

**Purpose of the Meeting was to discuss Various Purpose Improvement Note Debt Issues and any other business.**

**Meeting convened at 5:51pm**

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

**Ordinance 2013-7:** Renew Notes that are Maturing – Three Notes Coming Due - \$1.1 million in new notes.

Three different notes coming due – 1 million dollar note (Street portion) – pay down \$200k of streets and repair in that note, in the Communication System portion pay down \$100k, tax incremental financing TIF note pay down \$100k, pay down \$50k on the Fire Truck note. We can strategize to consolidate notes to two – more efficient financially – cost of issuing this note – lessen legal fees and issuance costs. Also saves the time and resources of the Finance Department. TIF note must be issued separately – it is a taxable note – issued as a separate note.

Notes will run for one additional year. Mrs. Fellows – typical issuance costs? About \$7,000 between Bond Counsel and Writers. Probably a little bit less.

Give the Fiscal Officers Certificate prior to passing legislation – given to the Clerk last week. Also a Note

**Recommendation to waive Three Reading Rule and Adopt at Thursday's Council meeting (February 14, 2013)**

**Ordinance 2013-8:** Issue New Notes - \$100,000 in notes.

**Recommendation to waive Three Reading Rule and Adopt at Thursday's Council meeting (February 14, 2013)**

**Resolution 2013-3:** Then and Now Certification – the certification must be done because we were at \$3,000 of Service Department radios on Service Department trucks.

**Recommendation to waive Three Reading Rule and Adopt at Thursday's Council meeting (February 14, 2013)**

Ended 2012 with a surplus of \$600,000 – balanced budget. In 2013, we will lose \$200,000 in property tax revenue because of revaluation. Funding cuts from the State and Income Tax Reductions. Eaton already moved. We will work on a calendar for budget discussion – piece of legislation HB 5 – probably want to look at opposing its passage – would lose about \$180,000 in taxes.

Discussion regarding the potential House legislation.

#### ***Public Portion***

**Opened: 6:12pm**

Public Portion (6:12pm): Frank Cihula – State Income Tax – reason legislature adopted it – provided for a 10% rollback in real estate taxes. If they repeal state income tax, real estate taxes go up ten percent.

**Meeting adjourned at 6:15pm**

## **RULES & LEGISLATION – David A. Reichelt, Chair**

### **Committee Members:**

Nancy E. Fellows, Kevin D. Malecek

### **COMMITTEE MEETING OF FEBRUARY 11, 2013**

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

**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Raymond C. Somich, Finance Director Frank Brichacek, Mayor Robert M. Weger

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

**Meeting convened at 6:16pm**

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

**Ordinances 2013-5** – Authorizing the Mayor to enter into an agreement with the Ohio Department of Transportation to provide new highway barriers along route 91 at no cost to the city. **It was the consensus of the Committee to waive the Three Reading Rule and recommend Adoption at Thursday's Council meeting (February 14, 2013)**

**Ordinances 2013-6** – Authorizing the Mayor to enter into Agreements to purchase two new Dodge Chargers and one new Chevy Tahoe for the Police Department, to be purchased under the State Term Purchasing Program. **It was the consensus of the Committee to waive the Three Reading Rule and recommend Adoption at Thursday's Council meeting (February 14, 2013)**

**Ordinances 2013-9** – Authorizing the Mayor to enter into an Agreement with the Ohio Public Works Commission to fund half of the cost of repairs to Maple Grove Road on each side of the I-90 bridge. The balance would be paid from the City's Road Levy Funds. **It was the consensus of the Committee to waive the Three Reading Rule and recommend Adoption at Thursday's Council meeting (February 14, 2013)**

The balance of the items on Thursday's Agenda were discussed in the Finance Committee meeting held immediately prior to this meeting.

#### ***Public Portion***

**Opened: 6:23pm Closed: 6:23pm**

Nobody approached to address the Committee.

**Meeting adjourned at 6:23pm**

## **OTHER COUNCIL REPRESENTATIVE REPORTS**

- There were no other Council Representative Reports.

## **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 7:20pm**

1. Faye Sivazlian

37250 Chardon Road

Re: Tax Bill – Septic System on Lot 6 in Hunter's Woods, drains on her Lot 5; Run-off Hayes Drive – French Drain; Mailbox

**President Reichelt informed Ms. Sivazlian that the time allotted to her to express her comments has expired; he stated that he did speak with her before the meeting and he is sure that the Mayor's Office will take her concerns under advisement. President Reichelt stated that she is always welcome to contact City Hall with her concerns.**

**Public Portion was closed at 7:24pm**

## **UNFINISHED BUSINESS**

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

## **LEGISLATION**

### **ORDINANCE NO. 2013-5**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION TO PROCEED WITH THE UPGRADE OF BARRIER END TERMINALS ON STATE AND NATIONAL HIGHWAY ROUTES AT SELECTED LOCATION(S) WITHIN THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-5.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-5 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilwoman Fellows to adopt Ordinance No. 2013-5.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2013-5 has been adopted.**

### **ORDINANCE NO. 2013-6**

**AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF POLICE VEHICLES FOR BUDGET YEAR 2013 THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING AGREEMENT CONTRACT WITH SAID PURCHASE BEING EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 125.04 (C) OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-6.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

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

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to adopt Ordinance No. 2013-6.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

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

### **ORDINANCE NO. 2013-7**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,100,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF (I) IMPROVING, IN COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION, U.S. ROUTE 6 IN THE CITY BY RESURFACING AND INSTALLING AND REPLACING CURB RAMPS THERETO, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, (II) RENOVATING, IMPROVING AND EQUIPPING THE CITY'S EXISTING FIRE AND POLICE COMMUNICATIONS CENTER, AND (III) ACQUIRING A FIRE TRUCK, AND ALL RELATED EXPENSES THERETO, AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2013-7.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

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

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Germano to adopt Ordinance No. 2013-7.

Roll Call: 7 AYES – unanimous

MOTION PASSES

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

Law Director requested that prior to reading Ordinance No. 2013-8, that an Emergency provision be added to the Ordinance. The Law Director ruled that it is not necessary to suspend the Two-Day Notification Rule, for this is a procedural matter, that being a timing issue and that the emergency provision is required as advised by the Finance Director. The Law Director requested that the Clerk read the caption of Ordinance No. 2013-8 with an emergency provision.

#### **ORDINANCE NO. 2013-8**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$100,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PROVIDING FUNDS FOR THE IMPROVEMENT OF OHIO STATE ROUTE 91 BY THE ENGINEERING, PURCHASE AND INSTALLATION OF SIGNALS, SIGNS, AND OTHER EQUIPMENT AND DEVICES TO DIRECT AND CONTROL THE FLOW OF VEHICULAR AND PEDESTRIAN TRAFFIC, AND RENOVATION OF VARIOUS SANITARY SEWER PUMP STATIONS SERVICING CERTAIN COMMERCIAL BUSINESSES LOCATED ON OHIO STATE ROUTE 91 IN THE CITY OF WILLOUGHBY HILLS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO **AND DECLARING AN EMERGENCY.**

The Law Director stated that Section 15 will be amended to include justification for the passage of Ordinance No. 2013-8 be that of an emergency measure.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2013-8 – As Amended.

Councilman Somich does not have a problem with adding the emergency clause, but perhaps for the benefit of the audience, we should mention that it is a phase that has a particular purpose, but does not mean that we are in an emergency or that this is an emergency situation; perhaps the Law Director would like to explain. The Law Director stated that with all ordinances, any municipal ordinances, takes effect thirty days after it is signed by the Mayor and that there are certain times when things have to be signed a little bit earlier and have to be approved by this Council tonight and signed by the Mayor so that it goes into effect immediately for a particular purpose. The Law Director then stated that he would let the Finance Director explain the reasons for the timing and the financial ramifications. The Finance Director stated that having the ordinance “effective immediately” means that the Bond underwriters will be able to market the notes; they can’t market the notes until the ordinance goes into effect. President of Council stated that the old notes expire by March 16<sup>th</sup> and that is why the new notes have to be in place.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-8 – As Amended has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to adopt Ordinance No. 2013-8 – As Amended.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-8 – As Amended has been adopted.

#### **ORDINANCE NO. 2013-9**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A PROJECT AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION FOR THE SOLE AND EXPRESS PURPOSE OF FINANCING OR REIMBURSING COSTS OF THE MAPLE GROVE ROAD PAVEMENT IMPROVEMENTS AND DECLARING AN EMERGENCY.

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2013-9.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-9 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Germano to adopt Ordinance No. 2013-9.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2013-9 has been adopted.**

### **RESOLUTION NO. 2013-3**

**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.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2013-3.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Resolution No. 2013-3 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to adopt Resolution No. 2013-3.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Resolution No. 2013-3 has been adopted.**

### **NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to authorize the Mayor to seek bids for the 2013 Pavement Marking Program.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Mayor is authorized to seek bids for the 2013 Pavement Marking Program.**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Biro to appoint Councilman David M. Fiebig to serve as the City's Chagrin River Watershed Partners Trustee.

President Reichelt then asked three separate times for any other nominations; there being none, President Reichelt asked Councilman Fiebig if he accepted the nomination and Councilman Fiebig replied yes.

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

**MOTION PASSES: 6 – AYES, 1 – Abstention**

**President Reichelt declared that Councilman David M. Fiebig will serve as the City's Chagrin River Watershed Partners Trustee.**

**President Reichelt requested that a Resolution of Appreciation be drafted for Billie Kamis, acknowledging environmental commitment serving as the City's Chagrin River Watershed Partner Trustee.**

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

Law Director Lobe:

Wanted to thank Billie Kamis, she is a good person, she was a great Councilperson, a great environmentalist, she took on a lot of issues before they were modern and popular, water issues that we have today, Mr. Lobe feels that Billie has really helped the City on multiple levels, so he would like to thank Billie, she is a good person and he only wishes he was better friends with her, and wishes her and her family only the best.



Councilman Fiebig:

Referenced six letters of Commendation for various Members of the Police Department; fine job that the Police Force has done as recognized by the Chief.

President Reichelt:

Art Gallery Open House – opening with two new artists on Friday, March 8<sup>th</sup> at 7:00pm - Free refreshments will be served

Councilman Somich:

Euclid Shore Cultural Center – Saturday, February 23<sup>rd</sup> Shore – Folk Festival - All Day Celebration of traditional American music from blues to bluegrass, folk and more. Featuring Workshops, Performances, Dance and Poetry. Held in the Performing Arts Wing. Workshops from Noon to 6:00pm; Kids Concert 3:00pm and Headline Concert at 7:00pm

Lake Metro Farmpark – Quilt Show – February 16 through March 27, 2013 – Tuesday through Sunday from 9 am to 5 pm – Open President's Day (February 18<sup>th</sup>)

Two new businesses coming to the Shops of Willoughby Hills, the Dollar Tree and Rally's

### **ADJOURNMENT**

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

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared the Regular Council Meeting of February 14, 2013 to be adjourned at 7:45pm**


**APPROVED:**

  
Date



**David A. Reichelt**  
*President of Council*

**ATTEST:**

  
Victoria Ann Savage, CMC  
*Clerk of Council*