

City of Willoughby Hills

Regular Council Meeting

Minutes of May 9, 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 7:03 p.m. by President David A. Reichelt

Pledge of Allegiance

Roll Call of Council

Members Present: Councilman Kevin D. Malecek, President David A. Reichelt, Councilman Raymond C. Somich – arrived at 7:04pm, Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano

Absent: Councilman Christopher L. Biro

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 Christopher L. Biro from the Regular Council Meeting of May 9, 2013.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Councilman Christopher L. Biro has been excused from the Regular Council Meeting of May 9, 2013.

Disposition of the Journal Regular Council Meeting of April 25, 2013

President Reichelt stated that the Minutes of the Regular Council Meeting held April 25, 2013 have not been distributed to the Members and therefore would be addressed by Council at the next Regular Council Meeting.

President Reichelt stated that he would entertain a Motion to amend the Agenda of the Regular Council Meeting of May 9, 2013.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to amend the Agenda for the Regular Council Meeting of May 9, 2013 to include Resolution No. 2013-8.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that the Agenda for the Regular Council Meeting of May 9, 2013 has been amended to include Resolution No. 2013-8.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to amend the Agenda for the Regular Council Meeting of May 9, 2013 to include Resolution No. 2013-9.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Agenda for the Regular Council Meeting of May 9, 2013 has been amended to include Resolution No. 2013-9.

CORRESPONDENCE

City Engineer's Report, dated May 2, 2013 (Emailed: May 2, 2013)
Mayor's Court Monthly Statement for March, 2013 (Emailed: May 7, 2013)
Mayor's Court Monthly Statement for April, 2013 (Emailed: May 7, 2013)

NOTIFICATIONS

Board of Building and Zoning Appeals will not meet on Tuesday, May 14, 2013 for there were no appeals (Emailed: May 7, 2013)
Civil Service Commission Meeting of May 10, 2013 (Emailed: May 3, 2013)
Planning & Zoning Commission and Architectural Board of Review Meeting of May 2, 2013 (Emailed: April 30, 2013)
Recreation Commission Meeting of May 8, 2013 (Emailed: April 29, 2013)
Rules and Legislation Committee Meeting of May 6, 2013 (Emailed: May 3, 2013)

ON FILE

Willoughby Hills Senior Center News Letter for May 2013, Number 61

MAYOR'S REPORT – Robert M. Weger

Services

Meeting with Service and Utilities Committees on Monday to discuss possible street repairs for both Glen Kyle and Hanna Roads and Gatsby Lane and the financing of said street repairs through the borrowing of funds

Acknowledgements

Congratulations to South High School Academic Decathlon Team – finishing with the Gold Medal
Thanks to our Service Department on the fine work on the Veterans Memorial Park. Boy Scout Troop 562 will construct the park bridge on Saturday

Events

Memorial Day Ceremony – at our new Veterans Memorial Park – Monday, May 27, 2013

LAW DIRECTOR'S REPORT – Thomas G. Lobe

Due to the in-action of the State/the General Assembly and/or the House or the Senate – the Law Director is required to respond to pleadings that were filed in Columbus pertaining to Internet Café Matters – Required to file Responsive Pleadings
Requested an Executive Session to be called for the purpose of discussing the threat of litigation, inviting the Mayor, Law Director, City Engineer, and Finance Director

Councilman Fiebig requested that the Law Director also include that the Executive Session address the purpose of discussing the litigation pertaining to Internet Cafes. Councilman Malecek stated that pending litigation is plural as it is.

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

No formal report was given

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

City had begun advertising for bids for Maple Grove Pavement Improvements and for Dodd's Landing Pavement Improvements today with the bids to be received on May 23rd

COMMITTEE REPORTS

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

SERVICE – Nancy E. Fellows, Chair

Committee Members:

Frank A. Germano, Kevin D. Malecek

Chair Fellows announced that the Service Committee along with the Utilities Committee will be meeting on Monday, May 13th at 7:30pm to review and discuss the City Engineer's Status Report.

RULES & LEGISLATION – David A. Reichelt, Chair

Committee Members:

Nancy E. Fellows, Kevin D. Malecek

COMMITTEE MEETING OF MAY 6, 2013	
<u>Members Present:</u> President David A. Reichelt, Chair, Nancy E. Fellows, Vice Chair, Councilman Kevin D. Malecek <u>Also Present:</u> Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Raymond C. Somich, Mayor Robert M. Weger and Finance Director Frank J. Brichacek	
Purpose of the Meeting was to discuss <u>Pending Legislation</u> and any other business.	
Meeting convened at 5:47pm	
<i>Order of Business</i>	
<u>Ordinance No. 2013-21</u> – Approving the Codification of Ordinances <u>Ordinance No. 2013-22</u> – Change in Appropriations for updates to insure that our balances stayed positive <u>Ordinance No. 2013-23</u> – Amending <u>Ordinance No. 2013-10</u> - authorizing the purchase of a front-end loader for the Service Department at an <u>additional savings</u> of \$4,000	
It was the consensus of the Committee to recommend waiving the Three Reading Rule and Adopt the abovementioned Legislation at the Regular Council Meeting of May 9 th to be held this evening.	
<i>Public Portion</i>	
Opened: 6:27pm Public Portion was opened at 6:27pm with only one question pertaining the Veteran's Memorial	
Meeting adjourned at 6:28pm	

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 7:15pm and with no one coming forth from the Public Sector, was promptly closed at 7:15pm

UNFINISHED BUSINESS

There was no unfinished business brought forth by any of the Members

LEGISLATION

ORDINANCE NO. 2013-21

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-21.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-21 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to adopt Ordinance No. 2013-21.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-21 has been adopted.

ORDINANCE NO. 2013-22

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 FIEBIG, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-22.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-22 has been suspended.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilwoman Fellows to adopt Ordinance No. 2013-22.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-22 has been adopted.

ORDINANCE NO. 2013-23

AMENDING ORDINANCE NO. 2013-10, AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH SOUTHEASTERN EQUIPMENT CO. INC. FOR THE PURCHASE OF A 521F WHEEL LOADER AS PROVIDED THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM FOR A TOTAL COST NOT TO EXCEED \$81,511.85 AND DECLARING AN EMERGENCY, TO INCREASE THE AUTHORIZED PURCHASE PRICE OF THE LOADER TO \$103,511.85 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2013-23.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-23 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to adopt Ordinance No. 2013-23.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-23 has been adopted.

RESOLUTION NO. 2013-8

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO PARTICIPATE IN LAKE COUNTY'S 2013 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO SEEK FUNDING IN THE AMOUNT OF \$30,000 FOR THE INSTALLATION OF A BUILDING RAMP TO PROVIDE SAFE PUBLIC INGRESS/EGRESS FOR THE MAPLE GROVE GRANGE.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to suspend the Two Day Notification Rule for Resolution No. 2013-8.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Two Day Notification Rule for Resolution No. 2013-8 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2013-8.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Resolution No. 2013-8 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to adopt Resolution No. 2013-8.

Roll Call: 6 AYES – unanimous

MOTION PASSES

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

RESOLUTION NO. 2013-9

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO PARTICIPATE IN LAKE COUNTY’S 2013 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO SEEK FUNDING IN THE AMOUNT OF \$10,000 FOR THE INSTALLATION OF POWER OPERATORS ON BOTH ENTRANCE DOORS OF THE COMMUNITY CENTER.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Fiebig to suspend the Two Day Notification Rule for Resolution No. 2013-9.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Two Day Notification Rule for Resolution No. 2013-9 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Resolution No. 2013-9.

Roll Call: 6 AYES - unanimous

MOTION PASSES

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

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to adopt Resolution No. 2013-9.

Roll Call: 6 AYES – unanimous

MOTION PASSES

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

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to adjourn into Executive Session following “For the Good of the Order” to discuss the Threat of Litigation, inviting the Mayor, the Law Director, the Finance Director and the City Engineer.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that an Executive Session will be held immediately following “For the Good of the Order” to discuss the Threat of Litigation, inviting the Mayor, the Law Director, the Finance Director and the City Engineer.

FOR THE GOOD OF THE ORDER

Councilman Malecek:

Announced that a Resolution commending the Willoughby South High School Academic Decathlon Team on their State Championship and their performance at the US National Academic Decathlon will be prepared for the next Regular Council Meeting to be held May 23rd. Presentation to be made at the first Regular Council Meeting in June (June 13th)

American Cancer Society Cancer Prevention Study #3 – American Cancer Society – 6 Sessions from June 26th – June 20th; 576 participants are required between the ages of 30 to 65. To sign up go to lakecpsfree.org

Councilman Fiebig:

Opening of the Art Gallery to be held this Friday, May 10th from 7-9pm

Councilman Somich:

In observance of National Public Garden Day, the Holden Arboretum is open tomorrow with no admittance fee from 9-5pm

Countywide Garage Sale to be held next Saturday (May 18th) from 9-4pm at the Lake County Fairgrounds –

Free Admission – Tables are still available

Annual Family Safety Day to be held at Pat O'Brien's next Saturday (May 18th) from 1-3pm

Wished all the Mothers a very Special - Happy Mother's Day!

President Reichelt:

Asked if Councilman Somich would like to provide information pertaining to the Color Run to be held on Saturday, June 8th. Councilman Somich stated that there would be a number of street closing at the west-end of the City. The event is sold out with 8,000 runners – Inviting all of the businesses and residents in the Community to take part in promoting the City. Very fun, colorful event. There will be another Color Run to be held in the fall, September 21st

Councilman Fiebig:

Acknowledged Councilwoman Fellows' upcoming Birthday on Monday, May 15th

Acknowledged Councilman Malecek's wife, Nora on her graduation

At 7:32pm the Members of Council along with the Mayor, Law Director, Finance Director and City Engineer adjourned into Executive Session.

The Regular Council Meeting reconvened at 8:31pm with all of the Members of Council, the Mayor, Law Director, the Finance Director the City Engineer present.

ADJOURNMENT


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

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared the Regular Council Meeting of May 9, 2013 to be adjourned at 8:31pm


APPROVED:


Date



**David A. Reichelt
President of Council**

ATTEST:


**Victoria Ann Savage, CMC
Clerk of Council**