

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of October 24, 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, Councilman Kevin D. Malecek, President David A. Reichelt, Councilman Raymond C. Somich

**Absent:** Councilman Christopher L. Biro

**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 FIEBIG**, seconded by Councilwoman Fellows to excuse Councilman Christopher L. Biro from attending the Regular Council Meeting of October 24, 2013.

**Roll Call: 6 AYES – unanimous MOTION PASSES**

President Reichelt declared that Councilman Biro has been excused from attending the Regular Council Meeting of October 24, 2013.

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Somich to amend the Agenda for the Regular Council Meeting of October 24, 2013 to include **Resolution No. 2013-22**.

**Roll Call: 6 AYES – unanimous MOTION PASSES**

President Reichelt declared that the Agenda for the Regular Council of October 24, 2013 has been amended to include **Resolution No. 2013-22**.

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to amend the Agenda for the Regular Council Meeting of October 24, 2013 to include the presentation of **Resolution No. 2013-21** acknowledging the Association of PeriOperative Registered Nurses of Greater Cleveland.

**Roll Call: 6 AYES – Unanimous MOTION PASSES**

President Reichelt declared that the Agenda for the Regular Council of October 24, 2013 has been amended to include the presentation of **Resolution No. 2013-21** acknowledging the Association of PeriOperative Registered Nurses of Greater Cleveland with the said presentation being made by Councilwoman Fellows.

Councilwoman Nancy E. Fellows presented **Resolution No. 2013-21**, a Resolution acknowledging AORN (Association of periOperative Registered Nurses) of Greater Cleveland, to the President and the former President of Chapter #3608. This Chapter was recognized for forty years of unified membership promoting safety procedures by providing practice support, education and development opportunities to perioperative nurses.

#### **Disposition of the Journal** Regular Council Meeting of September 26, 2013

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to approve the Regular Council Meeting Minutes of September 26, 2013 as submitted.

**Roll Call: 6-AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that the Regular Council Meeting Minutes of September 26, 2013 have been approved as submitted.**

## **CORRESPONDENCE**

City Engineer's Report dated October 17, 2013 (Emailed: October 17, 2013)

Willoughby Hills Community Center Rentals for September 2013 (Emailed: October 22, 2013)

**FINANCIAL REPORTS FOR THE MONTH ENDING SEPTEMBER 2013 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS** (Emailed: October 11, 2013)

## **NOTIFICATIONS**

Finance Committee Meeting of October 24, 2013 (Emailed: October 18, 2013)

Planning and Zoning Commission and Architectural Board of Review Meeting of October 17, 2013 has been cancelled for there was no pending business or projects

Records Commission Meeting of October 18, 2013 (Emailed: October 11, 2013)

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

First Snowfall – Snowplows out early trying to keep up

Labor Negotiations are underway

Records Commission met to approve Mayor's Office and Police Department's RC-2 schedules for record disposal. All other Departments have been asked to comply and that will be forthcoming to clean City Hall of some very old records that are available for destruction.

### **Acknowledgements**

Congratulations to O'Reilly's Auto Parts on their recent ribbon cutting

Congratulations to the Willoughby Hills Branch of the Willoughby-Eastlake Library on their 10<sup>th</sup> Birthday in our Community Center

Thanks to Pat O'Brien for providing a fun Halloween Kids Day last Saturday

### **Events**

Halloween Party – Saturday, October 26<sup>th</sup> from 6 to 8pm

Cleveland CityMusic concert being held at St. Noel Church, Sunday, October 27<sup>th</sup> at 4:00pm

Halloween Trick or Treat Night – Thursday, October 31<sup>st</sup> from 6 to 8pm

Election Day – Tuesday, November 5<sup>th</sup>

Veteran's Day Memorial Ceremony – Monday, November 11<sup>th</sup>

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

Law Director reported on Strafford Place Meeting Schedule – Monday, November 11<sup>th</sup> at 2:30pm to discuss sewer/drainage issues. Meeting with Strafford Place Representatives, the Builder, and various City Representatives. This is a private project and an exchange of documents will be made.

The Law Director provided information pertaining to the Internet Cafes, with the passing of HB7 and the referendum failing due to lack of sufficient signatures. The Law Director stated that litigation pending in the Franklin County Common Pleas Court been dismissed. The closing of the Internet Café will be an estimated \$140,000 loss to the City.

The Law Director urged passage of Resolution 2013-22 and recommended to Postpone Indefinitely, Ordinance No. 2013-45.

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

No formal report was given.

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

Lamplight Lane Culvert Project was submitted to Lake County; awaiting County's review before proceeding with design.

**COMMITTEE REPORTS**

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

**FINANCE – Kevin D. Malecek, Chair**

Committee Members:

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

**COMMITTEE MEETING OF OCTOBER 24, 2013**

**Members Present:** Councilman Kevin D. Malecek, Chair, Councilwoman Nancy E. Fellows

**Also Present:** Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Raymond C. Somich, President David A. Reichelt, Councilman Raymond C. Somich, Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Frank Brichacek

Purpose of the Meeting was to discuss **2014 Operating Budget and the City’s Financial Reports thru September 2013** and any other business.

**Meeting convened at 6:06pm**

*Order of Business*

**Ordinance 2013-43 Budget for 2014** - numbers that are in the schedule attached will be revised. Original 2013 budget reduced by 10% - estimate based on cuts, income tax - less revenue to work with in 2014 than we had in 2013. These numbers will not be in any shape or form final - personal service categories - desire to get this process started and adopted with three readings by the end of the year - adopt in December. Permanent - adopt the permanent budget by the beginning of the year. Department heads know what they have to work with at the beginning of January. Flaw in temporary three month budget - over 9 months instead of over 12 months.

Fellows - increases in health insurance? 2013 estimate was 20% at midyear - overall within that estimate. Benefit budgets need to be higher. Contracts are midyear to midyear.

**Recommend to leave on First Reading and adopt after Three Readings.**

**Ordinance 2013-44 - Appropriations Revisions** - stormwater pipe leak under Dodds Hill - sinkhole during the weekend. Steel plate - lake county stormwater management department. Storm sewer line fully funded. Work began immediately. Sufficient appropriation. Increasing fund appropriation - increase revenue estimate. Complete repair without City operating dollars.

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

**Ordinance 2013-45 - will either be voted down totally or it will be postponed indefinitely.**

**Resolution 2013-22** - Then and Now Certificate regarding a Purchase Order - this is the best way to do it - even valid now - this project was funding by the Lake County Stormwater Management Department - it was under \$25,000 and the state statute has changed from \$25k to \$50k. ORC 735.05 - putting in the right section. All over the revised code to do these things. Never in the municipal section - come up with an opinion - how our ordinance read. All into the one section municipally.

Brichacek: Changes from the State were not well publicized or informed. We want to protect our home rule rights and we control our own purchasing process.

Fellows: everything was there, it was all timing - as reviewed - better way we can do paperwork. Raise limit for the Mayor to work with. Lobe: If we go to 50k, may go to 40 plus - policy so we don't go over the line a little bit - close first time we went over. Fiebig - who came up with pipe length of 130? Reichelt - commend administration for getting a job done. Somich - since this is being funded by the county - would it be looked at differently because it is a temporary.

Brichacek: coming in overall estimate - #2 - Pete had the good sense - Lake County Stormwater Management Department. Some construction projects - things you just cannot anticipate.

**Recommendation to add to Agenda, waive Two Day Notification, Three Reading Rule and Adopt at Council this evening.**

**Status of City Finances**

Brichacek - 9 month budget reports - after 9 months, performance is going well - at or near estimates - encouraged this

year much more estate tax this year with the law being rescinded. 250k over what we estimated. Income Tax Collections have been erratic, but still on estimate. New rates are higher than the old rates, but still in budget for the year. Other concerns are more minor - tight is the street programs - after 9 months. RITA Ohio has been a bit erratic in collections. Internet Cafes closed - all of the reasons they left.

*Public Portion*

**Public Portion was opened at 6:46pm: Resident Cihula – Ordinance No. 2013-44, Section 1 – difference from dollar amounts – Section 3, different numbers - \$45,000. Section 1 is appropriate and Section 3 is the estimated revenue.**

**Meeting adjourned at 6:50pm**

**OTHER COUNCIL REPRESENTATIVE REPORTS**

**There were no other Council Representative Reports presented by 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 7:25pm and with no one coming forth from the public sector, was promptly closed at 7:25pm.**

**UNFINISHED BUSINESS**

**There was no unfinished business to bring forth to the Members.**

**LEGISLATION**

**ORDINANCE NO. 2013-43**

**AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS NECESSARY TO MAINTAIN CITY SERVICES FOR THE FISCAL PERIOD BEGINNING JANUARY 1<sup>ST</sup> THROUGH DECEMBER 31<sup>ST</sup> OF 2014.**

**President Reichelt stated that Ordinance No. 2013-43 has been read for the First Time and will remain on First Reading. Clerk has been advised to add Emergency Clause with said Ordinance to become effective January 1<sup>st</sup>.**

**ORDINANCE NO. 2013-44**

**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 MALECEK, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-44.**

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-44 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Ordinance No. 2013-44.**

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2013-44 has been adopted.**

**ORDINANCE NO. 2013-45**

**AN ORDINANCE WAIVING THE PUBLIC BIDDING REQUIREMENT OF SECTION 115.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS FOR THE ROSEWOOD TRAIL STORM PIPE EXTENSION PROJECT CONSTRUCTION CONTRACT AWARDED TO LONGO SEWER CONSTRUCTION, INC ON AUGUST 26, 2013 AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilwoman Fellows to Postpone Indefinitely Ordinance No. 2013-45.

Roll Call: 6 AYES – unanimous

**MOTION PASSES**

President Reichelt declared that Ordinance No. 2013-44 has been Postponed Indefinitely.

**ORDINANCE NO. 2013-46**

---

**AN ORDINANCE AMENDING PART THIRTEEN – BUILDING CODE, TITLE THREE – LOCAL BUILDING PROVISIONS, CHAPTER 1337 – EXTERIOR MAINTENANCE CODE, SECTION 1337.15, SUBSECTION (i) – OVERGROWTH AND SUBSECTION (j) – VACANT STRUCTURES AND DECLARING AN EMERGENCY**

President Reichelt stated that a Rules and Legislation Committee Meeting was not held to discuss pending legislation for there wasn't enough pending legislation to warrant a Meeting to be called; this particular Ordinance could fall into the committees of Planning and Zoning, Service or Safety. If any of the chairs of the committees named would like the issue placed in their committee, we can do that; however, if there is no objection, we can proceed with adoption of the Ordinance for this issue has been discussed on many occasions.

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-46.

Roll Call: 6 AYES – unanimous

**MOTION PASSES**

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-46 has been suspended.

**MOTION WAS MADE BY COUNCILMAN FIEBIG** seconded by Councilman Biro to adopt Ordinance No. 2013-46.

President Reichelt questioned if the adoption of Ordinance No. 2013-46 was as presented or was there a change. Councilman Fiebig stated that the change was taken out on the final "WHEREAS"; after the word "City" and deleting the sentence with however and that ended with burden. President Reichelt requested that Councilman Fiebig state the change again. Councilman Fiebig stated that the final "WHEREAS" read: "WHEREAS the Building Commissioner acknowledged that the Service Department does maintain the right of way on state routes and other areas of the City and then there is a semicolon, the Clerk was requested to delete everything beyond that which said "however, with man power stretched thin, the City needs to have a vehicle in which landowners may be requested to share in the burden". Councilman Fiebig further stated that the reason he requested the change was that by using the word "vehicle" it sounded like the City needed a vehicle and that was not what was intended; it was simply lifted from the language of the Building Commissioner's report. The Building Commissioner stated that we need to have a "vehicle" as a means; we need a law that he can point to that specifically relates to overgrowth that is in the right-of-way, stating the City can go to the property owner and cite them and say that the grass needs to be cut so that people pulling out of a driveway adjacent to it can see any traffic coming, that is the intent of the Ordinance.

The Law Director stated for the record that this change was not substantive in nature as it pertained to a "WHEREAS" Clause and does not require suspension of the Two Day Notification Rule.

Councilman Somich added that this is a safety issue and it has been requested and it is required to come into effect as soon as possible and that is why we don't really need to take more time to place the issue into committee. "We need to pass this and allow the safety benefit to happen".

Roll Call: 6 AYES – unanimous

**MOTION PASSES**

President Reichelt declared that Ordinance No. 2013-46 has been adopted.

**RESOLUTION NO. 2013-22**

---

**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 COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to suspend the Two Day Notification Rule for Resolution No. 2013-22.

Roll Call: 6 AYES – unanimous MOTION PASSES  
President Reichelt declared that the Two Day Notification Rule for Resolution No. 2013-22 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Somich to suspend the Three Reading Rule for Resolution No. 2013-22.

Roll Call: 6 AYES – unanimous MOTION PASSES  
President Reichelt declared that the Three Reading Rule for Resolution No. 2013-22 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Somich to adopt Resolution No. 2013-22.

Roll Call: 6 AYES – unanimous MOTION PASSES  
President Reichelt declared that Resolution No. 2013-22 has been adopted.

## NEW BUSINESS

There was no new business brought forth to be considered by the Members of Council.

## FOR THE GOOD OF THE ORDER

### President Reichelt:

Cleveland CityMusic concert being held at St. Noel Church, Sunday, October 27<sup>th</sup> at 4:00pm. Presentation of Resolution No. 2013-16 will be made.

### Councilman Fiebig:

Dinner following Cleveland CityMusic Concert in the banquet hall of St. Noel. Advanced Reservations required

### Law Director Lobe:

Thanked President Reichelt for his commitment to the City; Saved the City multiple man-hours on Dispatch Center Project – we have a really good Council, with David being the corner stone for which the rest of the Council surrounds. The Law Director stated that he is really proud of this Council and President Reichelt. Law Director Lobe also acknowledged the work of Denise Reichelt and the tandem which they have in serving the City.

### Councilman Somich:

City Halloween Party being held Saturday, October 26<sup>th</sup>  
October 26<sup>th</sup> Noon to 2:00pm – All Treats and no Tricks! This event is being sponsored by the businesses within the City. Final list of participating businesses to be placed on City Website tomorrow.  
November 2<sup>nd</sup> – Lakeland Community College hosting “How to Model Railroading” from 9:00am to 2:00pm – Free Admission.

## ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to adjourn the Regular Council Meeting of October 24, 2013.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared the Regular Council Meeting of October 24, 2013 to be adjourned at 7:40pm

APPROVED: December 12, 2013  
Date

Nancy E. Fellows  
Nancy E. Fellows  
President of Council

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