

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of April 28, 2011

*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 of Council Kevin D. Malecek*

#### *Pledge of Allegiance*

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

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

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

#### **Disposition of the Journal** Regular Council Meeting of March 24, 2011

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Reichelt to approve the Minutes of the Regular Council Meeting of March 24, 2011 as submitted.

**Roll Call: 6 AYES with Councilwoman Fellows abstaining** **MOTION PASSES**

**President Malecek stated that the Regular Council Meeting Minutes of March 24, 2011 have been approved as submitted.**

#### **Correspondence**

- Letter from John D. Oil & Gas Company to Mayor Robert Weger, dated April 8, 2011 re: Permit to Drill Natural Gas Well (Emailed: April 13, 2011)
- Interoffice Memorandum to Robert M. Weger, Safety Director; Richard Harmon Fire Chief; Christopher J. Collins, Police Chief; Fred Wyss, Jr., Building Commissioner; Richard Iafelice, City Engineer, dated April 21, 2011 re: Notification of Impending Oil and Gas Exploration and Drilling Operations to take place within the City of Willoughby Hills (Emailed: April 21, 2011)
- Financial Reports for the Month Ending March 2011 consisting of: General Fund Income Statement, Cash Reconciliation, Purchase Order Reports, Fund Analysis Reports, and Expense Reports (Emailed: April 20, 2011)

#### **Notifications**

- Board of Building and Zoning Appeals will not meet on May 10, 2011 for no appeals were received (Emailed: April 25, 2011)
- D.B. Hartt Inc. Open House (Emailed: April 25, 2011)
- Planning and Zoning Commission & Architectural Board of Review Meeting of April 21, 2011 (Emailed: April 18, 2011)
- Rules & Legislation Committee Meeting of April 25, 2011 (Emailed: April 21, 2011)

- Service Committee Meeting of April 25, 2011 (Emailed: April 15, 2011)
- Cancellation of Service Committee Meeting of April 25, 2011 (Emailed: April 21, 2011)
- The Housing Research & Advocacy Center: Sixth Annual Fair Housing Celebration & Art Exhibition (Emailed: April 26, 2011)

### **Minutes**

- Board of Building & Zoning Appeals Meeting of January 11, 2011 (Emailed: April 26, 2011)
- Planning & Zoning Commission and Architectural Board of Review Meeting of March 17, 2011 (Emailed: April 20, 2011)
- Rules and Legislation Committee Minutes of April 25, 2011 (Emailed: April 26, 2011)

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

- Update on Dodd Road Bridge Construction
- Rain/Flooding Update/Power Outage
- Independent Audit Report Complete - Meeting with Administrative Staff
- Researching Development Economic – formation of a group of people (Task Force) to help with business development; conversation with Developers Diversified, they were reaching out to the Mayor; they are looking for things to do at the Shops of Willoughby Hills – list of preferred retailers was given to Developers Diversified; they want to work with the City to redevelop the area
- **Acknowledgements**  
Firefighter Tim Serazin and Water Rescue Squad for Tinker's Creek Rescue
- **Police Department Activity**  
WHPD & Detective Bureau – murder investigation is ongoing and is a joint effort with the Lake County Prosecutor's Office, Crime Lab, and Coroners' Office. There is a lot of man hours being spent on follow-up leads and evidence processing  
WHPD and the FBI continue to investigate the robbery of Chase Bank located on Chardon Road near Giant Eagle. There has been a rash of bank robberies in NE Ohio  
In the past two weeks, WHPD Officers had 19 arrests involving OVI, Domestic Violence, Theft and the largest being warrant arrests  
WHPD Officers responded to 15 motor vehicle accidents, 38 disabled vehicles, and 27 false alarms; City does bill for false alarms
- **Fire Department Activity**  
91 emergency incidents, 20% were Double Hits  
56 were EMS; 35 were Fire
- **Upcoming Events**  
Captains Day at Classic Park – Sunday, June 5<sup>th</sup>, 1:00 p.m. – all tickets are \$5.00  
United Way – Day of Caring – Wednesday, June 22<sup>nd</sup> – Volunteers welcomed!  
Safety Town – applications now being taken for children entering Kindergarten – to be held July 18<sup>th</sup> – 22<sup>nd</sup>  
Corn Fest – September 10<sup>th</sup> and 11<sup>th</sup> – Car Raffle

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

- No formal report was given.

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

- Approval of Ordinance No. 2011-28 – Appropriation from the Recreational Capital Fund #460; appropriating the beginning fund balance in order to provide for the construction of bocce courts and improvements at the Grange – bathroom remodeling; the appropriation request was reviewed at the last Finance Committee Meeting
- Position of Finance Assistant has been filled; will be back up to full staffing which will be a big relief for his staff

**CITY ENGINEER’S REPORT – Richard J. Iafelice, P.E., P.S.**

- Rain events causing havoc – please direct telephone calls and emails to the City Engineer; responding in a cost effective manner
- Direct to City Engineer Quotes
- Pre-Application for the next round of the Ohio Public Works Commission (OPWC) is due June 17<sup>th</sup>
- Accelerating the study of Lamplight Lane to determine a cost estimate of that project; last year the City turned back funding for the project; will be moved into Service Committee sometime in early June
- Appreciated the Council President work in the scheduling of Committee Meetings and encourages all Members of Council to attend, especially when discussing final assessments
- City of Euclid to make presentation to Council pertaining to Sewer Rate Increase
- Maple Valley Subdivision Project – final approval of the Planning Commission should be given shortly
- Working with J.D Oil Company on a gas well off of White Road; issues regarding access and riparian rights

**FINANCE – Raymond C. Somich, Chair**

**Committee Members: Nancy E. Fellows, David M. Fiebig**

**COMMITTEE MEETING APRIL 13, 2011**

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

**Also Present: Councilman Frank A. Germano, President Kevin D. Malecek, Mayor Robert M. Weger, Finance Director Frank J. Brichacek**

**Purpose of the Meeting was to discuss City Finances and any other business.**

**Meeting convened at 5:37 p.m.**

***Order of Business***

1. Meeting was called to further review and discuss the recently passed Fiscal Budget, the financial information from the recent Utilities Committee meeting on sewers, and general finances.
2. We did a general review of the budget. Frank is comfortable with the numbers and explained how he has worked to get many areas into proper expense accounts.
3. We discussed the breakdown of Personnel (Financial and Service) expenses charged to the Sewer Fund
4. We discussed appropriations from account 460.
5. We discussed the changes in the Court Personnel with Peggy retiring. This results in reduced expenses.
6. We discussed HB195 and the impact that may have on our cyber café income. These currently generate approx \$180,000 in annual revenue to the City.
7. We discussed potential interest in Chardon Road property to the west of City Hall now for sale. (\$113k)

We discussed the proposed legislation for new police cars, which will not be available until September, but need to be ordered now. This will allow us to get 2012 models at 2011 pricing.

***Public Portion***

Public portion commenced at 6:35 p.m. and there was a question about utilizing CT inspectors for sewer hookups, and the effort, savings and record keeping associated with the City now performing this task. Also clarified the policy to allow a cash option for employees electing not to take health insurance coverage.

**Meeting adjourned at 6:41p.m.**

**PLANNING & ZONING – David M. Fiebig, Chair**

**Committee Members: Frank A. Germano, David A. Reichelt**

- The Planning & Zoning Committee has not met; therefore no formal report was given.

**RECREATION – Nancy E. Fellows, Chair**

**Committee Members: Christopher L. Biro, David A. Reichelt**

- The Recreation Committee has not met; therefore no formal report was given.
- Announced that the Committee will be meeting to discuss what should be included in the Master Plan in terms of identification of recreation properties

**RULES & LEGISLATION – Kevin D. Malecek, Chair**

**Committee Members: Frank A. Germano, David A. Reichelt**

**COMMITTEE MEETING APRIL 25, 2011**

**Members Present: President Kevin D. Malecek, Chair, Councilman Frank A. Germano, Vice President David A. Reichelt**

**Also Present: Councilman David M. Fiebig, 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 6:32 p.m.**

***Order of Business***

**Ordinance 2011-28: Re-appropriations for Maple Grove Range Upgrade and Bocce Court**

We had not made the appropriation of the 460 Fund – Recreation Commission approved the fund and money – don't have to change appropriation. Recommendation to change to \$23,000 in the second "Whereas" clause – previously \$25,000. Issue as to actually what was recommended by Recreation Commission – records under review. Put the amount to \$23,000 – will change the first section. Money from Recreation funds from their events – not direct taxpayer dollars.

**Consensus to recommend waiving Three Reading Rule and Adopting at Council.**

**Color Printer Motion**

The council printer is failing and we require a new one to be purchased. Councilman Reichelt has coordinated with the Clerk on this issue.

**Recommendation to move to purchase a new printer for Council.**

***Public Portion***

***Fulton – where are the Bocce Courts going to be? Bathroom is going to be redone at Grange for the Boy Scouts. Gas well? Any regulations – stipulations – thing blows up – Ohio Revised Code and ODNR.***

**Meeting adjourned at 6:49p.m.**

**SAFETY – David A. Reichelt, Chair**

**Committee Members: Christopher L. Biro, David M. Fiebig**

- The Safety Committee has not met; therefore no formal report was given.

**SERVICE – Christopher L. Biro, Chair**

**Committee Members: Nancy E. Fellows, Frank A. Germano**

- The Service Committee has not met; therefore no formal report was given.
- Announced that a Service Committee Meeting has been scheduled for Monday, May 2<sup>nd</sup> at 6:45 p.m. to discuss some modifications to the Stormwater Management Ordinance

**UTILITIES – Frank A. Germano, Chair**

**Committee Members: Nancy E. Fellows, Raymond C. Somich**

- The Utilities Committee has not met; therefore no formal report was given.

**PERSONNEL RELATIONS – Christopher L. Biro, Chair**

**Committee Members: Raymond C. Somich, Mayor Robert M. Weger**

- The Personnel Relations Committee of Council has not met; therefore no formal report was given.
- Announced that a Personnel Committee has been scheduled for Monday, May 2<sup>nd</sup> at 6:15 p.m. to discuss Employee Compensation

**WORKING COMMITTEE OF COUNCIL – Kevin D. Malecek, President of Council**

- The Working Committee of Council has not met; therefore no formal report was given.

**OTHER COUNCIL REPRESENTATIVE REPORTS**

- Councilman Reichelt reported that we are experiencing video problems. A new control system is being built and as soon as it is in place, this will be alleviated; audio problems have been rectified but video still remains.

## **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 7:24 p.m. and with no one coming forth from the Public Sector was promptly closed at 7:24 p.m.

## **UNFINISHED BUSINESS**

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

## **LEGISLATION**

### **ORDINANCE NO. 2011-28**

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**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2011-10 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2011-28.

**Roll Call: 7 AYES**

**MOTION PASSES**

President Malecek stated that the **Three Reading Rule for Ordinance No. 2011-28** has been suspended.

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to adopt Ordinance No. 2011-28.

**Roll Call: 7 AYES**

**MOTION PASSES**

President Malecek stated that **Ordinance No. 2011-28** has been adopted.

## **NEW BUSINESS**

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

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

- Councilman Somich announced the following events:
  - 8<sup>th</sup> Annual International Festival* to be held at Lakeland Community College in the Performing Arts Center this Saturday Afternoon at 2:00 p.m.
  - A couple of events to be held at the Greats Lake Mall:
    - Mom's National Night Out* on Thursday, May 5<sup>th</sup> from 6:00 p.m. to 8:00 p.m.
    - Annual Senior Event* to be hosted by the Lake County Council on Aging to be held on Saturday, May 10<sup>th</sup> from 8:30 to 3:00 p.m. There is a fee of \$1.00 which includes food, entertainment and exhibits; for more information, please contact the Lake County Council on Aging.
- Councilman Reichelt announced that on Friday, May 6<sup>th</sup> at 7:00 p.m. there will be a Grand Opening of another artist at the WH Community Center – Charles (Bud) Deihl; no charge for admission and refreshments will be served.

## **ADJOURNMENT**

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

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

President Malecek declared that the **Regular Council Meeting of April 14, 2011** is adjourned at 7:28 p.m.

APPROVED:

June 9, 2011  
Date

David Reichelt

David A. Reichelt  
President of Council Pro-tem

ATTEST:

Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council