

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
NANCY E. FELLOWS
DAVID M. FIEBIG
FRANK A. GERMANO
RAYMOND C. SOMICH

Special Council Meeting Minutes of December 9, 2009

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.

7:00 p.m. Meeting of Council Called to Order by President of Council Kevin D. Malecek.

Pledge of Allegiance

Roll Call of Council

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

Absent: Councilman Christopher L. Biro, Law Director Thomas G. Lobe

Also Present: Mayor Robert M. Weger, Finance Director Joseph G. Mirtel, City Engineer Richard J. Iafelice, Clerk of Council Victoria Ann Savage, Todd Cipolo attending for Law Director Thomas G. Lobe

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to excuse Councilman Christopher L. Biro.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Malecek declared that Councilman Christopher L. Biro has been excused from the Special Council Meeting of December 9, 2009.

Disposition of the Journal Regular Council Meeting of November 12, 2009

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of November 12, 2009.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that the Regular Council Meeting Minutes of November 12, 2009 have been approved as submitted.

Correspondence

- Willoughby Hills Fire Fighters Local 3149 to Mayor Weger and Members of Council, dated October 23, 2009 re: Cuts Made to the Fire Department
- Kevin Delaney, Airport Manager to Mayor Weger, dated November 12, 2009 re: Noise Complaint Form
- Nancy Donovan Farina, Senior Administrative Officer – Cuyahoga County Airport to Vice President David Reichelt, dated November 12, 2009 re: Complaint of November 10, 2009
- Letter from Nancy Donovan Farina, Senior Administrative Officer – Cuyahoga County Airport to Resident located at 2910 Istra Lane, dated November 12, 2009 re: Complaint of November 10, 2009
- **News Paper Article:** Sun Messenger, dated November 12, 2009, titled “*Noise Abatement Council pursues solutions for excessive noise at Cuyahoga County Airport*”

- Thomas G. Lobe, Law Director to Mayor, Members of Council, Finance Director, dated November 30, 2009 re: Legal Opinion pertaining to Special Revenue Fund 251 – 2004 Road Levy Fund and Special Revenue Fund 291 – BRF Fund
- Email from City Engineer Richard Iafelice to the Mayor and Members of Council, dated November 30, 2009 re: NEORS Service Area
- Mayor's Monthly Statement for November 2009
- Community Center Rental Report for November 2009
- City's Engineer's Report for December 2009
- Clerk of Council to Robert M. Weger, Safety/Service Director, dated December 7, 2009 re: Transferring of Liquor Permits (TRFO 2867216-0045 & TRFO 2867216-0160)
- **FINANCIAL REPORTS: CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING NOVEMBER 2009**

Notifications

- Board of Building & Zoning Appeals will not meet December 8, 2009
- Personnel Relations Committee Meeting of November 19, 2009
- Personnel Relations Committee Meeting of November 23, 2009
- Personnel Relations Committee Meeting of December 7, 2009 – Contract Negotiations for Fire Department
- Personnel Relations Committee Meeting of December 7, 2009 – Contract Negotiations for Dispatchers
- Planning and Zoning Commission and Architectural Board of Review Meeting of December 3, 2009
- Planning and Zoning Commission and Architectural Board of Review Meeting of December 3, 2009 - **REVISED**
- Planning and Zoning Commission and Architectural Board of Review Meeting will not meet November 19, 2009
- Planning and Zoning Committee Meeting of December 7, 2009
- Rules & Legislation Committee Meeting of December 7, 2009
- Utilities Committee Meeting of November 23, 2009

Minutes

- Board of Building and Zoning Appeals Meeting of September 8, 2009
- Personnel Relations Committee Meeting of November 19, 2009
- Personnel Relations Committee Meeting of November 23, 2009
- Planning and Zoning Commission & Architectural Board of Review Meeting of October 15, 2009
- Recreation Commission Meeting of October 6, 2009
- **RECREATION COMMISSION MEETING OF NOVEMBER 3, 2009**
- **RULES & LEGISLATION COMMITTEE MEETING OF DECEMBER 7, 2009**

On File

- Willoughby Hills Activity Pages for December 2009 – Issue Number 12
- Housing Research & Advocacy Center News for Fall 2009
- **CITIES AND VILLAGES FOR NOVEMBER/DECEMBER 2009**

MAYOR'S REPORT – Robert M. Weger

- Council to review Citywide Trash/Recycling Bids
- Supports legislation: Ordinance No. 2009-86, Ordinance No. 2009-87, Ordinance No. 2009-88, Ordinance No. 2009-89
- Service Department preparing for spreading salt and snow removal
- Labor Negotiations – tentative agreements have been reached for all five union contracts
- Garfield Memorabilia
- Events:
December 12 Breakfast with Santa from 9:00 a.m. to 12:00 noon

LAW DIRECTOR'S REPORT – Todd Cipollo attending for Law Director Thomas G. Lobe, L.L.P.

- No formal report was given; open to any comments or questions.

FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel

- Announced that the Finance Reports consisting of Cash Reconciliation, Purchase Orders and Fund Balance Change Analysis for the Month ending November 2009 had been distributed to Council.
- Supported passage of Ordinance No. 2009-86 and Ordinance No. 2009-87

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

- Referenced Status Report of December 2009
- Corporate 90/Stark Drive Pump Station Rehabilitation Project – endorses contract award to Chapman Electric and has been advised by the Law Director to proceed in segregating the two pump stations for the general contract/general trades work but have been advised to adopt Ordinances authorizing the same. We will attempt to do both of them under the State Spending Limitation
- Lamplight Lane Retention Basin – Eligible for Federal Grant (FEMA); waiting to hear final approval of Ohio Public Works Commission Application which contributes to the project as well, together with Lake County Stormwater Management participation, the City will have virtually “zero” dollars to contribute towards this project.

FINANCE – Raymond C. Somich, Chair

Committee Members: Nancy E. Fellows, David A. Reichelt

- The Finance Committee has not met; therefore no formal report was given.
- Announced that a Finance Committee Meeting has been scheduled for Thursday, December 17th at 5:00 p.m. to discuss temporary appropriations for the first quarter of 2010 and to review the financial reports for October and November 2009

PLANNING & ZONING – David A. Reichelt, Chair

Committee Members: David M. Fiebig, Frank A. Germano

COMMITTEE MEETING OF DECEMBER 7, 2009

Members Present: Vice President David A. Reichelt , Chair, Councilman David A. Fiebig, Councilman Frank A. Germano

Also Present: Councilwoman Nancy E. Fellows, President of Council Kevin D. Malecek, Councilman Raymond C. Somich, Mayor Robert M. Weger

Purpose of the Meeting was to discuss Proposed Changes to Chapter 1151 – Sign Regulations and any other business.

- The Meeting convened at 6:49 p.m.
- The purpose of the meeting was to discuss changes to the Sign Code – Section 1151.05 and to some of the definitions associated with that – Section 1103.02
- There were a couple changes that were noted; Code Revisions to be sent back to the Planning & Zoning Commission for their review
- Both bodies (Planning and Zoning Commission and City Council) will be required to have Public Hearings before said revisions can be considered for adoption
- Probably have some resolution by either the end of January or sometime in February
- Public Portion was opened at 7:18 p.m. and was closed at 7:30 p.m.
- The Meeting adjourned at 7:36 p.m.

RECREATION – David M. Fiebig, Chair

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

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

RULES & LEGISLATION – Kevin D. Malecek, Chair

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

COMMITTEE MEETING OF DECEMBER 7, 2009

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

Also Present: Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Councilman Somich, Mayor Robert M. Weger

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

Meeting convened at 6:09 p.m.

Order of Business

Ordinance 2009-86: Dispatch/IT Center

TIF Funding – adding another project – since we got the stimulus money for 90-91, we were able to modify the Developer Agreement to add the IT/Dispatch Center.

Recommendation and Consensus to waive the Three Reading Rule and Adopt.

Ordinance 2009-87:

Adding depository of US Bank – got a loan from them – using them for credit card machines for Court and City Hall – adding them for that reason. Somich – AmTrust was just seized, are we in a position that we could have more than the FDIC amount in a bank that may fail? We will follow up with Joe on that issue. Fiebig – average person is fine. The FDIC does guarantee up to \$250,000 per depositor. Safety deposit boxes are not covered by the FDIC.

Recommendation and Consensus to waive the Three Reading Rule and Adopt.

Ordinance 2009-88:

Disposition of vehicle as surplus – Crown Vic went over – needs a rack and pinion. 95k miles probably a \$3,000 car.

Recommendation and Consensus to waive the Three Reading Rule and Adopt.

Ordinance 2009-89:

Entering into a contract with V.L. Chapman Electric for Corporate 90/Stark Road Pump Station Rehab. As discussed at the Utilities Committee meeting on 11/30. Part of the TIF funding.

Recommendation and consensus to waive the three reading rule and adopt.

Preliminary Discussion of Trash Program Bids

Drive-Up Service – Republic does not offer that service. All include the fuel-charge, except Universal – City is responsible. \$11 on Waste Management bill for a quarter. If the fuel fee goes down, the City gets a rebate. City absorbs the cost. Orange bag customer – includes recycling bin at no cost. Republic is the old Allied and BFI. 30 days to respond to the bid. Newsletter out at end of January – December 30th. Have an article to them by December. Republic deal seems so much better than the other ones. Germano – pretty cut and dry proposal. 1,800 to 2,000 people involved in this – 2,400 homes. Thinking going to have 1,800 containers. Bags are cheaper than what we are paying now. Curbside recycling for the same price.

Consensus of those in attendance to move forward with an Ordinance to procure trash service – move forward with vast Communication Plan – meetings to sign-up with them – arrangements to get bins out. Bag customers. Rates locked in for five-years. Does change, but we know what the rates are for five-years.

Public Portion

Robert Kowalsky: *About this garbage, is there going to be an opt-out? Is it only for residential landowners? Singled-us out and said you are it – why do you have to have it in there? Do you have rubbish service today? You have to know – that's not really there – nitpicking and dividing it up. You are telling Republic – where does the opt-out part have to come in. Two things are your just ignoring – private service – you are going to have your private service – make it a utility. It all ends up in the same dump yard – yes, it is true – all of those places have different trucks and different services. What is the inclusion of the City/IT Dispatch service in the TIF? That million-bucks you collect off of your taxes – chump change for you guys – that's my opinion. What are the other three things? 91 and Stark Pump station, Chardon Road resurfacing. I'll take the money – if it's there I'll take it. How come I feel abused and singled out – Pine Ridge already has there's – what about the gated community? The driveway is in Willoughby – it's private there. **Frank Cihula** – if you go with the colored bags, you don't get a quarterly bill? No minimum on the bags.*

Meeting adjourned at 6:49 p.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 – Nancy E. Fellows, Chair

Committee Members:

Christopher L. Biro, Frank A. Germano

- **The Service Committee has not met; therefore no formal report was given.**
- **Announced that bids for the Citywide Trash/Recycling Program will be reviewed; Ordinance to be presented to Council at the next Meeting of Council**

UTILITIES – Frank A. Germano, Chair

Committee Members:

Nancy E. Fellows, Raymond C. Somich

COMMITTEE MEETING OF NOVEMBER 23, 2009

Members Present: Councilman Frank A. Germano, Chair, Councilman Raymond C. Somich

Also Present: Councilman Christopher L. Biro, President of Council Kevin D. Malecek, Mayor Robert M. Weger, City Engineer Richard Iafelice

Purpose of the Meeting was to discuss (1 Green Ridge SSES, (2) Sanitary Sewer System – Area “C” & Parcel #31A007C000040 and any other business.

Meeting convened at 6:27 p.m.

Order of Business

Susan Payne Property – 2.5 acres in Assessment Area “C” given double assessment because of a cottage with water
– Need Ordinance to correct assessment – referred to the Law Director and City Engineer

Corporate 90 & Stark Road Pump Stations

Recommendation to accept Electrical Contractor

Recommendation to reject bid of ABC Piping at next Council Meeting – (General Contractor)

Green Ridge Area Follow-Up

Investigated and tested 54 homes – video taped

Green Ridge Pump Station is Overflowing – Heavy Infiltration

1. 6 homes failed

2. 3 MHS failed

3. 100' of lining

Recommendation to repair the three items – Letters will be sent out by the Service Department

WH Towers – Heavy Infiltration

Found 10 buried MHS on property – owners need to find them then City will proceed with more dye testing

Sewer Rates

Recommendation to raise the rate

Increase and more review will be done in the next Rules Committee Meeting

A Summer Sprinkling Program for Commercial Property will be checked into in the near future

Public Portion

With no one from the Public Sector coming forth to speak, Public Portion was opened and closed at 8:01 p.m.

Meeting was adjourned at 8:01 p.m.

PERSONNEL RELATIONS – Christopher L. Biro, Chair

Committee Members:

Raymond C. Somich, Mayor Robert M. Weger

COMMITTEE MEETING OF NOVEMBER 19, 2009

Members Present: Councilman Christopher L. Biro, Chair, Councilman Raymond C. Somich, Mayor Robert M. Weger

Also Present: Sgt. Michael Planisek, Detective David Broadwater, Patrolman Jim Vitale, Patrolman Len Kratochvil

Purpose of the Meeting was to discuss Contract Negotiations – (Police) and any other business.

Meeting convened at 4:00 p.m.

Order of Business

Order of Business was Police Labor Negotiations.

Committee moved to Executive Session at 4:01 p.m. With all Members of the Committee present, the Meeting reconvened at 4:29 p.m.

Public Portion was opened at 4:29 p.m. No one came forth to speak in Public Portion. Public Portion was closed at 4:30 p.m.

COMMITTEE MEETING OF NOVEMBER 23, 2009

Members Present: Councilman Christopher L. Biro, Chair, Councilman Raymond C. Somich, Mayor Robert M. Weger

Also Present: Lt. Lou DiMattia, Captain Sandra Lesko, Firefighter Steve Lucic

Purpose of the Meeting was to discuss Contract Negotiations – (Fire) and any other business.

Meeting convened at 5:00p.m.

Order of Business

Order of Business was Fire Department Labor Negotiations.

Committee moved to Executive Session at 5:05 p.m. With all Members of the Committee present, the Meeting reconvened at 6:03 p.m.

Public Portion was opened at 5:03 p.m. No one spoke at Public Portion. Public Portion was closed at 6:03 p.m.

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

- There were no other “Council Representative Reports” brought forth.

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 7:26 p.m. with no one coming forth from the public sector; Public Portion was closed at 7:26 p.m.

UNFINISHED BUSINESS

- There was no unfinished business brought forth to Council.

LEGISLATION

ORDINANCE NO. 2009-86

AN ORDINANCE AMENDING ORDINANCE NO. 2008-5 THEREBY AMENDING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DESIGNATED AS THOSE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE DIRECTLY THE DEVELOPMENT PROPERTY DESCRIBED IN “EXHIBIT A” BY THE INCLUSION OF THE CITY’S IT/DISPATCH CENTER AND THEREBY MODIFYING ONLY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS, MARKED AS “EXHIBIT D” OF THE DEVELOPMENT AGREEMENT WITH 9091 LLC, THE OWNER OF THE DEVELOPMENT PROPERTY AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-86.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-86 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to adopt Ordinance No. 2009-86.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2009-86 has been adopted.

ORDINANCE NO. 2009-87

AN ORDINANCE DESIGNATING U.S. BANK NATIONAL ASSOCIATION AS DEPOSITORY FOR ACTIVE AND INTERIM FUNDS OF THE CITY OF WILLOUGHBY HILLS FOR THE PERIOD BEGINNING NOVEMBER 1, 2009 THROUGH JUNE 30, 2013 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2009-87.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-87 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to adopt Ordinance No. 2009-87.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2009-87 has been adopted.

ORDINANCE NO. 2009-88

AN ORDINANCE TO DECLARE CITY VEHICLE(S) AND/OR EQUIPMENT WITH AN ESTIMATED VALUE OF OVER \$1,000 AS SURPLUS PROPERTY AND GRANTING AUTHORIZATION TO SELL SAID SURPLUS VEHICLE(S) AND EQUIPMENT ON THE OPEN MARKET, UPON SUCH TERMS AND AT SUCH PRICES AS ARE DEEMED MOST ADVANTAGEOUS TO THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2009-88.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-88 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Germano to adopt Ordinance No. 2009-88.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2009-88 has been adopted.

ORDINANCE NO. 2009-89

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO CONTRACT WITH V. L. CHAPMAN ELECTRIC, INC. FOR THE CORPORATE 90 & STARK ROAD PUMP STATION REHABILITATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2009-89.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-89 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Ordinance No. 2009-89.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2009-89 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to reject all bids and to return all bid bonds to ABC Piping for the General Contractor portion of the Corporate 90/Stark Drive Pump Rehabilitation Project.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek that the bid of ABC Piping has been rejected therefore bid bonds are to be returned to ABC Piping.

FOR THE GOOD OF THE ORDER

- Councilman Somich announced various drop-off sites for Toys for Tots: WH Fire Department and WH Auto Repair at Routes 6 & 91 and Pat O'Brien Chevrolet located on Bishop Road
- Councilman Somich announced that a major food drive is being held at Pat O'Brien Chevrolet in conjunction with United Auto Workers through December 19th
- Councilman Somich announced that Geauga County Human Society is hosting an "Adopt a Pet for the Holidays, December 11th – 13th."
- Councilman Somich wished everyone a very wonderful, blessed Christmas and a Happy Hanukah.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to adjourn until the next Regular Council Meeting.

Roll Call: 6 AYES – unanimous

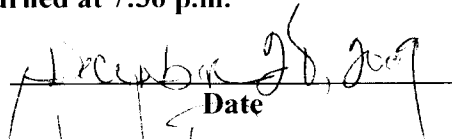
MOTION PASSES

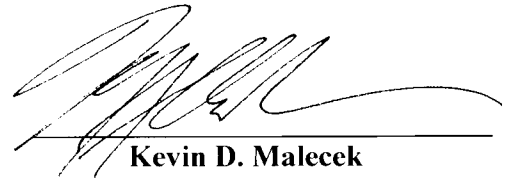
President Malecek declared that this Meeting of Council is adjourned.

Due to the Holiday, the next Meeting of Council will be held on Monday, December 28, 2009 and therefore will be a Special Meeting.

Meeting adjourned at 7:36 p.m.

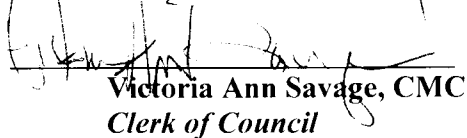
APPROVED:


Date



Kevin D. Malecek
President of Council

ATTEST:



Victoria Ann Savage, CMC
Clerk of Council