

City of Willoughby Hills

Special Council Meeting

Minutes of December 20, 2010

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 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, Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows

Absent: Law Director Thomas G. Lobe

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

Disposition of the Journal Regular Council Meeting of November 11, 2010

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to approve the Minutes of the Regular Council Meeting of November 11, 2010 as submitted.

Roll Call: 5 AYES w/President Malecek and Councilwoman Fellows abstaining

President Malecek stated that the Regular Council Meeting Minutes of November 11, 2010 have been approved.

Correspondence

- Memorandum from Recreation Commission Clerk to Mayor Weger, dated December 8, 2010 re: Commission Recommendation – City Music Donation

Notifications

- Civil Service Commission Meeting of December 22, 2010 (Emailed: December 15, 2010)
- Finance Committee Meeting of December 20, 2010 (Emailed: December 14, 2010)
- Personnel Relations Committee Meeting of December 20, 2010 (Emailed: December 14, 2010)
- Planning and Zoning Commission & Architectural Board of Review Meeting of December 16, 2010 (Emailed: December 13, 2010)
- Recreation Committee Meeting of December 20, 2010 (Emailed: December 14, 2010)
- Rules & Legislation Committee Meeting of December 20, 2010 (Emailed: December 14, 2010)

Minutes

- **Finance Committee Meeting of December 20, 2010**
- **Personnel Relations Committee Meeting of December 20, 2010**
- Recreation Commission Meeting of November 2, 2010 (Emailed: December 15, 2010)
- Recreation Committee Meeting of December 13, 2010 (Emailed: December 15, 2010)
- **Recreation Committee Meeting of December 20, 2010**
- **Rules & Legislation Committee Meeting of December 20, 2010**
- Safety Committee Meeting of December 6, 2010 (Emailed: December 13, 2010)

MAYOR’S REPORT – Robert M. Weger

- Service Department – Plowing of Streets – 500 tons of salt; save money and environment
- Prescription Recycle Bid – City Hall – Mailbox drop-off
- Supports passage of Ordinance No. 2010-44 and Ordinance No. 2010-45
- Garfield Memorabilia Available
- Thanked City Hall Staff and Residents for their Support in 2010
- State Auditors performing 2010 Audit
- Donation in the amount of \$1,000 made to Cleveland City Music
- Thanked all volunteers involved with Breakfast with Santa
- Willoughby Hills Family Chiropractic – Business of the Month
- Christmas Card Lane – is up and will go through the First of the Year
- Senior New Year’s Eve Party – WH Community Center, Friday December 31 from 3:00 p.m. to 6:30 p.m.
- Confirmation of Frank Brichacek as the City’s new Part-Time Finance Director, effective January 1, 2011
- Proclamation: Congrats and Best Wishes to Finance Director Joseph Mirtel

LAW DIRECTOR’S REPORT – Todd D. Cipollo, L.P.A.

- In Law director Lobe’s absence, no formal report was given.

FINANCE DIRECTOR’S REPORT – Joseph G. Mirtel

- Thanked Council and Administration for their support during the last three years in getting the City back on track financially.

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

- Sewer Project Update: Assessment Area “C” – Project is on schedule
- Legend Lane Private Sewer Connection
- Utilities Committee: Address City Sewer Fund, Review potential Sewer Rate Adjustments, Update Over-All Assessment, Value for Assessment Area “C”

FINANCE – Raymond C. Somich, Chair

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

COMMITTEE MEETING DECEMBER 20, 2010

**Members Present: Raymond C. Somich, Chair, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig
Also Present: Councilman Christopher L. Biro, Councilman Frank A. Germano, President Kevin D. Malecek, Councilman David A. Reichelt, Mayor Robert M. Weger, Finance Director Joseph G. Mirtel**

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

Meeting convened at 6:10 p.m.

Order of Business

Discussed two Ordinances to be considered by Council tonight:

1. 2010-45 with (2) new adjustments (clarifications/corrections)

(a) General Fund Accounts – many reduced but overall increase \$45,000 mostly for benefit increases for part-time police

and unexpected repairs and improvements

(b) Special Revenue Funds – some unexpected funding received or adjusted – not General Fund related

(c) Enterprise Funds – need to get a bond for the TIF Funding of \$225,000 already spent but will be reimbursed

Consensus of Committee was to recommend Ordinance No. 2010-45 for passage

2. 2010-44 - First Quarter 2011 Appropriations

(a) New 234 Account – plan is to transfer from General Fund because we do not know when or how much new source fund will generate

(b) 298 Account – Garfield Park Appropriation – not expected to spend this, which can also be said for some other lesser accounts

(c) 300 Account – “Debit” should be “Debt”. We are aware a major bond is due in the First Quarter

(d) Accounts 600/641 – Sewer Funds/Assessment C, based on expected needs and progress

Consensus of Committee was to recommend passage of Ordinance No. 2010-44

Also discussed end of year balances, should be better shape than we have had in awhile relative to account balances and cash flow.

Public Portion

Public Portion opened at 6:30 p.m.

Frank Cihula – thanked Joe for his help

Linda Fulton clarification with respect to the captions as reflected on the Agenda

Bob Kowalsky – concerned about part-time position of Finance Director

Public Portion closed at 6:35 p.m.

Meeting adjourned at 6:40 p.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.
- Ordinance No. 2010-39 will remain on Third Reading; would ask Committee Members to meet as soon as possible to continue to review the Master Plan

RECREATION – Nancy E. Fellows, Chair

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

COMMITTEE MEETING DECEMBER 13, 2010

Members Present: Councilwoman Nancy E. Fellows, Chair, Councilman David A. Reichelt

Also Present: President Kevin D. Malecek,

Purpose of the Meeting was to discuss Community Center Room and Facilitator Fees and any other business.

Meeting convened at 7:10 p.m.

Order of Business

1. Addressing Community Center Hourly Rate Fee: Currently all room prices are based on a 7 hour rental. Less than 7 hour events are requested. Not monetarily prudent to rent an hour at a time. Possibly consider to set 4 hour minimal fee and maximum 7 hour fee.

2. Community Center Complex Facilitator: Discussion addressing hourly rate of the Facilitator as it is already built into the room rental fee or should it be billed separately? Should the job description be updated to reflect the current job duties?

3. Should the Rental Fee Rates be Increased? For future discussion.

4. Discounted Rental Fee: Discussion aligned with Non-Resident rental fees, Resident rental fee and Employee discount. To revisit.

Without the Mayor and Gloria Majeski present due to a previous meeting commitment, dialogue concerning these agenda items could not move forward without their input. To call another meeting on December 20, 2010, 5:15 p.m.

Public Portion

The following individual came forth with questions/comments:

Frank Cihula: Shared ideas for fee structure and suggested that a telephone be installed in the main lobby of the

Community Center with recording addressing rental information only.

Meeting adjourned at 7:38 p.m.

COMMITTEE MEETING DECEMBER 20, 2010

Members Present: Councilwoman Nancy E. Fellows, Chair, Councilman Christopher L. Biro, Councilman David A. Reichelt

Also Present: Councilman David M. Fiebig, Councilman Frank A. Germano, President Kevin D. Malecek, Councilman Raymond C. Somich, Mayor Robert M. Weger, Assistant Gloria Majeski

Purpose of the Meeting was to discuss Community Center Room and Facilitator Fees and any other business.

Meeting convened at 5:34 p.m.

Order of Business

1. Addressing Community Center Hourly Rate Fee: Current Ordinance and policy indicate that rental rates are offered in consecutive 7 hour periods. There was an inquiry how to manage rental fees for less than 7 hours. Gloria has been managing hourly rentals based on the organization and their needs, how much time they need, how often they rent and if meetings can piggyback each other to get better room usage. Per Ordinance 2009-11, while it is Councils authority to set fees, after discussion it appears that Gloria will continue to determine appropriate rental fees under 7 hours.

2. Community Center Complex Facilitator/Monitor: Updated job responsibilities presented. Gloria indicated that this job description is indicative of the activities of the monitor.

3. Discounted Employee Rental Fees: There are been some discrepancies with honoring or not honoring non-resident employee discounts. This rental fee has not been codified. Plus a non-resident employee would need to fill a 1099 for tax purposes if they were to receive this time of discount. After discussion it was determine that per the Ordinance and Policy, that there will be only Resident and Non-resident rental fees.

Public Portion

The following individual came forth with questions/comments:

Frank Cihula: Need to identify exceptional rates used by Administration in the Ordinance to keep future Administration informed. That the non-resident employee receives the discounted resident rate. (This is a tax issue.) Feels that the person who rents the room for someone should be on site at the event.

Linda Fulton – Inquired what percentage of residents versus non-residents that have rented this past year? Gloria approximated 70% resident to 30% non-resident

Joyce Grady – Are fees waved for community service organizations such as the Scouts, etc. Answer is yes.

Bob Kowalski – Inquired about large room rentals versus using small rooms if appropriate. Suggested that the policy be attached to the Ordinance. The Policy is attached to a Rental Agreement.

Meeting adjourned at 6:09 p.m.

RULES & LEGISLATION – Kevin D. Malecek, Chair

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

COMMITTEE MEETING DECEMBER 20, 2010

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

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich, Mayor Robert M. Weger

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

Meeting convened at 6:40 p.m.

Order of Business

Ordinance 2010-39: Master Plan Adoption

In Planning and Zoning Committee – they will eventually report out – most likely before the end of the year – same status from November 23, 2010 Rules Meeting.

Ordinance 2010-43: Janitorial Services Contract

Currently with Jan-Pro services month-to-month – new company adding additional services – rate is lower at a one-year contract – nice recommendations from other clients – will do a very good job for us and we are saving money. Mr. Fiebig – spoke highly of the last group – reason you switched? Weger – price – save some money, also were looking for additional services. Looking for professional services – better price. Go out for bid for contract that size? Jan-Pro was

monthly – go out. One-year Contract – Codified Ordinances Chapter 15 – Going Out for Bid. Ask the Law Director if this falls under Professional Services – can ask the Law Director if this is one of those cases.

Recommendation to Adopt at Council with approval from the Law Director.

Ordinance 2010-44: Establishing Temporary Appropriations

Recommended to Adopt at Council by the Finance Committee.

Ordinance 2010-45: Re-appropriations for FY 2010

Recommended to Adopt at Council by the Finance Committee.

Public Portion

Public Portion – Robert Kowalsky – are you going to pass the Master Plan today? Are you going to have more meetings upon? Something is happening there – put a little sentence in there – Council will make no law that keeps a people from making money off of energy. Not like the cell towers – plan is something comes up and they can make money on energy – tell you that really has changed the mind – on commercial end.

Meeting adjourned at 6:50 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 – Christopher L. Biro, Chair

Committee Members:

Nancy E. Fellows, Frank A. Germano

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

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.
- Announced that a Utilities Committee will be busy after the first of the year.

PERSONNEL RELATIONS – Christopher L. Biro, Chair

Committee Members:

Raymond C. Somich, Mayor Robert M. Weger

COMMITTEE MEETING DECEMBER 20, 2010

Members Present: Councilman Christopher L. Biro, Chair (arrived at 5:15 p.m.), Councilman Raymond C. Somich, Mayor Robert M. Weger

Also Present: Max Reiker, OPBA Attorney, Sgt. Duane Petrovich, Officer Jim Vitale, Detective Dave Broadwater, Sgt. Mike Planisek

Purpose of the Meeting was to discuss Contract Negotiations for Police Officers and any other business.

Meeting convened at 4:10 p.m.

Order of Business

Police Negotiations. The Personnel Relations Committee moved to Executive Session at 4:15 p.m. The Personnel Relations Committee returned from Executive Session at 5:28 p.m.

Public Portion Opened at 4:12 p.m.

The following people came forth with questions/comments:

Bob Kowalsky

Meeting adjourned at 5:30 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

- Councilman Reichelt updated the Members of Council on the latest meeting of the Noise Abatement Council for the Cuyahoga County Airport. This is not a City Council Committee, however, as the Representative of the City, would like to keep Council abreast of the developments.

- The Meeting was held on December 15th at 10:00 a.m. in the Conference Room at the Cuyahoga County Airport Building, the County Building and we reviewed, as customarily, the noise complaints for the quarter; we reviewed where we were at, and what we still have on the agenda going forward.
- Councilman Reichelt provided the following recap: He assumed the Chairmanship of that body in May 2009 and developed his own list of items that he would like to see Council adopt and implement; goals and objectives for the Organization.
- To date, the Council has achieved eight of the eighteen and since few more have been added. So now there are a total of 21, thirteen of which are still in process. Of the 21 one, eight have been either adopted or otherwise disposed of.
- Good progress is being made and he believes that we will see further good work being done by the Council.
- The Safety Committee will be hosting at which Kevin Delaney, Airport Manager will be present just to cover general issues of the Airport.
- Councilman Somich requested that adequate notification be given to the residents pertaining to the upcoming Safety Committee Meeting,.

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 7:29 p.m.

1. Robert Kowalsky
2585 Timberline Drive

RE: Did you put the time of your arrival in the Personnel Relations Committee Minutes?; Previous Personnel Relations Committee Meetings – No Public Notifications Provided; Part-Time Management of City Finances by Finance Director

Public Portion was closed at 7:33 p.m.

UNFINISHED BUSINESS

- *Councilman Biro responded to Mr. Kowalsky's comments by saying that Mr. Kowalsky is correct, he was not at the first two meetings of the Personnel Relations Committee; he did report the minutes that were drawn by Councilman Somich. Councilman Biro also stated that he did arrive late to the PRC meeting held this evening; he arrived at 5:15 p.m. and the minutes will be corrected to reflect the same.*

LEGISLATION

ORDINANCE NO. 2010-39 – THIRD READING

AN ORDINANCE APPROVING AND ADOPTING THE 2010 MASTER PLAN FOR COMPREHENSIVE LAND USE FOR THE CITY OF WILLOUGHBY HILLS OHIO.

President Malecek stated that Ordinance No. 2010-39 will remain on Third Reading.

ORDINANCE NO. 2010-43

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A JANITORIAL SERVICE AGREEMENT WITH CUSTOM CLEANING AND MAINTENANCE; AND DECLARING AN EMERGENCY.

President Malecek stated that Ordinance No. 2010-43 will remain on First Reading.

ORDINANCE NO. 2010-44

AN ORDINANCE PROVIDING FOR TEMPORARY APPROPRIATIONS TO MEET THE ORDINARY EXPENSES OF THE CITY OF WILLOUGHBY HILLS, STATE OF OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2011 THROUGH MARCH 31, 2011; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2010-44.

Discussed followed as to whether changes had been to this Ordinance, it was established that no changes were made to Ordinance No. 2010-44; President Malecek recognized the original motions made by repeating it for the Members of Council to vote upon.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2010-44 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to adopt Ordinance No. 2010-44.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2010-44 has been adopted.

ORDINANCE NO. 2010-45

AN ORDINANCE AMENDING ORDINANCE NO. 2010-35 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 REICHELT, seconded by Councilman Germano to suspend the Two Day Notification Rule for Ordinance No. 2010-45.

President Malecek stated that there were just a couple minor issues within the ordinance with terms of numbers that were corrected and discussed at the Finance Committee Meeting; but not in time to adhere to the two day notification for the ordinance.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Two Day Notification Rule for Ordinance No. 2010-45 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2010-45.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2010-45 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to adopt Ordinance No. 2010-45.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2010-45 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to appoint Frank Brichacek to serve as the new Part-Time Finance Director for the City of Willoughby Hills, effective January 1, 2011.

Councilman Reichelt wanted to take a moment to introduce Frank Brichacek to the community by stating that Frank was someone who was brought in by Mr. Mirtel, and has extension municipal finance background. Councilman Reichelt further stated that he knows that Mr. Mirtel and the Mayor and he, himself, are confident that Frank Brichacek will serve the City equally as well as Mr. Mirtel has or if not even better! Councilman

Reichelt stated that he is very impressed, for he had work extensively with Frank through the Dispatch Center Project as they reconciled the final project figures.

The Mayor stated that the motion should be to confirm the appointment of Frank Brichacek to serve as the new Part-time Finance Director.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that the motion has been adopted and the appointment of Mr. Frank Brichacek has been confirmed to serve as our new Finance Director, effective January 1, 2011. Congratulations.

FOR THE GOOD OF THE ORDER

- Councilman Somich reported on the following:
Food Drive going on through the Cleveland Food Bank, it continues through January 3rd; headquartered at Pat O'Brien Chevrolet on Bishop Road in Willoughby Hills. The goal is to gain 500,000 pounds of non perishable bagged, canned, boxed food items. Everyone is asked to please participate. The Lake County is included in the Cleveland Food Bank coverage area. Willoughby Hills day is Thursday, December 30th with special raffles and prizes planned for anyone bringing in food items.
- Councilman Somich wished a blessed and joyous Christmas to everyone. Councilman Somich stated it just seems that there is an increase in highway incidents around our area and home incidents with safety, so we urge all of our residents to practice safety in their homes and on the highways to especially make it a blessed and joyous holiday.
- Mayor reported that City Hall will be closed this coming Friday, December 24th. All Central services will be running as normal, our Police, Fire and Service Department depending on the Snow.

ADJOURNMENT

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

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that this Meeting of Council is adjourned at 7:43 p.m.

APPROVED: _____
Date

Kevin D. Malecek
President of Council

ATTEST: _____
Victoria Ann Savage, CMC
Clerk of Council