

# 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 28, 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 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 Joseph G. Mirtel, City Engineer Richard J. Iafelice,  
Clerk of Council Victoria Ann Savage

### **Disposition of the Journal**      **Special Council Meeting of December 9, 2009**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Reichelt to approve the Special Council Meeting Minutes of December 9, 2009.

**Roll Call: 6 AYES with Councilman Biro abstaining**

**MOTION PASSES**

**President Malecek declared that the Special Council Meeting Minutes of December 9, 2009 have been approved as submitted.**

### ***Correspondence***

- Gloria Majeski, Executive Assistant to Mayor Weger to Council Clerk, All Members of Council, dated December 10, 2009, re: Bids for Citywide Trash & Recycle Program
- Richard Iafelice, City Engineer to Mayor Robert Weger and Members of Council, dated December 16, 2009 re: Sanitary Sewer System Investigations/City of Willoughby Hills, Ohio

### ***Notifications***

- Finance Committee Meeting of December 17, 2009
- Planning and Zoning Commission and Architectural Board of Review Meeting of December 17, 2009
- Rules & Legislation Committee Meeting of December 21, 2009

### ***Minutes***

- **Finance Committee Meeting of December 17, 2009**
- **Personnel Relations Committee Meeting of December 7, 2009 – Fire Department Negotiations**
- **Personnel Relations Committee Meeting of December 7, 2009 – Dispatchers Labor Negotiations**
- Planning and Zoning Commission & Architectural Board of Review Meeting of November 5, 2009
- **Rules and Legislation Committee Meeting of December 21, 2009**

## ***On File***

- Housing Research & Advocacy Center Letter of December 1, 2009 re: Requesting Financial Support

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

- Service Department – Spreading salt and snow removal with 24 – hour crews and new salt truck with plow being used
- Willoughby Hills Newsletter – (January/February)
- Flashing School Zone Signs to be installed on Route 91 – Cornerstone Christian Academy/Friends Church
- Supports legislation: Ordinance No. 2009-95, Ordinance No. 2009-90, Ordinance No. 2009-91
- Acknowledged Planning & Zoning Commission and WHISPER Program for food collections – Food baskets were made and distributed to four WH families
- Congratulated Stanley Oshaben on his 90<sup>th</sup> Birthday, a Proclamation will be forth coming
- Congratulated Patricia Dole and Russell Beattie on their recent marriage and on the purchase of their home in Willoughby Hills

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

- Requested a Motion of Council to amend Ordinance No. 2009-90 to declare the Ordinance to be an emergency. Said Ordinance provides for temporary appropriations for the first quarter of 2010 whereby the funds would be required to be available January 1<sup>st</sup>
- Requested Council to suspend the Two-Day Notification Rule and the Three Reading Rule for Ordinance No. 2009-90

## **FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel**

- Closing out 2009 and preparing for 2010
- Credit Card Machines for City Hall and Mayor's Court – Implementation to be early January 2010
- Recommended the passage of Ordinance No. 2009-90 and Ordinance No. 2009-95

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

- Supports Legislation: Ordinance No. 2009-92 (Establishment of Sewer Rates) Ordinance No. 2009-93 (Corporate 90 Pump Station Project) and Ordinance No. 2009-94 (Stark Drive Pump station Project)
- Area Assessment C – Pre-Construction Meeting to be held with Fabrizi Trucking and Paving Company and Dolan/Pyramid LLC
- Looking to do Assessment Area C Project concurrently with the Corporate 90 and Stark Drive Pump Station Improvements to minimize project costs and to perform the work more efficiently

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

### **Committee Members:**

Nancy E. Fellows, David A. Reichelt

## **COMMITTEE MEETING OF DECEMBER 17, 2009**

**Members Present:** Councilman Raymond C. Somich, Chair, Councilwoman Nancy E. Fellows, Vice President David A. Reichelt

**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, President Kevin D. Malecek, Mayor Weger, Finance Director Mirtel

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

The Meeting convened at 5:07 p.m.

- **Ordinance No. 2009-90** – 3 Month Appropriations for First Quarter of 2010  
Salary Expense up due to extra period; Benefit Expenses also up; most others flat or down for 2010  
Will need more Income (possible Tax Action) or more Expense Cuts – Consensus to recommend Adoption **Ordinance No. 2009-95** – Appropriation Adjustments to Accounts. Transfer from General Funds to Recreation (Primarily Corn Fest)  
Some Personnel-Related Appropriations Transferred or not needed.

**Personnel/Benefits reduced \$65,000 – Consensus to recommend Adoption**

- Cuts made will save City \$330,000; thus far, no ill effects from changes – have not seen any financial savings yet to help the City on a cash flow basis
- Income Tax Credit Issue needs to be considered for Spring Ballot. Will require educating the residents.
- Council/Administration Financial Workshop in early 2010 to discuss Revenue Sources, including Sponsorship options
- Public Portion was opened at 5:57 p.m.  
Frank Cihula and Bob Kowalsky commented on Finance Issue. Faye Sivazlian commented on a non-finance matter
- The Meeting adjourned at 6:05 p.m.

**PLANNING & ZONING – David A. Reichelt, Chair**

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

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

**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 21, 2009**

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

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

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

**Meeting convened at 6:08 p.m.**

***Order of Business***

**Ordinance 2009-90: Temporary Appropriations until March 31, 2010**

Reviewed at Finance Meeting – corrections were made.

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

**Ordinance 2009-91: Accepting Bid of Republic Services for City-Wide Trash and Recycling Program**

Discussed at last meeting, projected date of April 1<sup>st</sup>.

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

**Ordinance 2009-92: Sewer Rate Charges Established for 2010**

Discussed at the Utilities Meeting – passed an Ordinance a few years ago for maximum increase.

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

**Ordinance 2009-93: Corporate 90 Pump Station – General Trades Construction Contracts**

Within the spending limit, not going to go over \$25,000, recommended by the City Engineer.

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

**Ordinance 2009-94: Stark Drive Pump Station – General Trades Construction Contracts**

Within the spending limit, not going to go over \$25,000, Ordinance recommended by the City Engineer.

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

**Ordinance 2009-95: Re-appropriations for 2009**

Discussed in the Finance Committee.

Reviewed at Finance Meeting – corrections were made.

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

**Ordinance 2009-##: Salary Changes**

Housekeeping measure to clarify how salary is attributed – COLA is done from one third quarter to the next – adds the line to clarify – use one month – use a year to determine CPIW is. Intent was to be for a year – typically what people would use. Use index over the year – that's the number and that's the increase – benchmark and take the January number. Index of that month – it does take into account the yearly index – only taking it for the one month – taking the index itself. It would be effective in four years – however that clarification is – totally clarified. When would it take effect – if you

want to implement it – two years for the Districts and four years for the At-Large.

**Referred issue to Finance and the Law Director for further discussion.**

**Councilwoman Fellows** – came up at last forced ballot – zoning issue – can we do an ordinance that puts in place in those situations that we are not liable for the money for the election? By law we had to spend the money – is there a way in those situations that we would not have to put out the money.

***Public Portion***

**Joyce Grady** – 5% increase for the sewer increase.

**Robert Kowalsky** – gone two years – 5% in that amount of time – we have an ordinance we passed five years ago – could not increase more than 5%. We can increase 5%.

**Meeting adjourned at 6:35 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.
- Provided further clarification pertaining to Ordinance No. 2009-91

**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**

**COMMITTEE MEETING OF DECEMBER 7, 2009**

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

**Also Present:** Lt. Lou DiMattia, Captain Sandra Lesko

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

**Meeting convened at 5:07 p.m.**

***Order of Business***

**Public Portion was opened at 5:09 p.m. No one came forth to speak in Public Portion. Public Portion was closed at 5:09 p.m.**

**Order of Business was Labor Negotiations for the Fire Department**

**Committee moved to Executive Session at 5:09p.m. With all Members of the Committee present, the Meeting reconvened at 5:29 p.m.**

**Meeting adjourned at 5:30 p.m.**

**COMMITTEE MEETING OF DECEMBER 7, 2009**

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

**Also Present:** Janet Schuller

**Purpose of the Meeting was to discuss Contract Negotiations –Dispatchers and any other business.**

**Meeting convened at 5:31p.m.**

***Order of Business***

**Public Portion was opened at 5:32 p.m. No one spoke at Public Portion. Public Portion was closed at 5:32 p.m.**

**Order of Business was Labor Negotiations for the Dispatchers**

**Committee moved to Executive Session at 5:32 p.m. With all Members of the Committee present, the Meeting reconvened at 5:42 p.m.**

**Meeting adjourned at 5:43 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 provided clarification with respect to an Editorial printed in the Sun Messenger News Paper, dated November 20, 2009 pertaining to the Noise Abatement Council. Said article contained some unfortunate wording. The article referred that the Noise Abatement Council was making “ironclad” policies and enforcing things that are not within their power to do so.

**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**

- Councilwoman Fellows questioned the issue of the costs pertaining to Initiative Petitions. Law Director Lobe reported that he is investigating this issue and the question pertaining to if a Municipality can mandate that any and all Initiative Petitions and/or Referendums be decided by the Electorate at General Elections only and thereby eliminate the possibility of a Special Election.
- Law Director Lobe will be contacting the Ohio Municipal League for further information.

**LEGISLATION**

**ORDINANCE NO. 2009-90**

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**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, 2010 THROUGH MARCH 31, 2010 AND REPEALING CONFLICTING LEGISLATION.**

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**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to amend Ordinance No. 2009-90 by designating said Ordinance to be an Emergency; funds need to be made available January 1<sup>st</sup> of 2010.

Roll Call: 7 AYES – unanimous

**MOTION PASSES**

President Malecek declared that Ordinance No. 2009-90 has been declared an Emergency Measure and has been amended to reflect the same.

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Fiebig to suspend the Two Day Notification Rule for Ordinance No. 2009-90 – As Amended.

Roll Call: 7 AYES – unanimous

**MOTION PASSES**

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-90 – As Amended has been suspended.

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-90 – As Amended.

Roll Call: 7 AYES – unanimous

**MOTION PASSES**

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-90 – As Amended has been suspended.

**MOTION WAS MADE BY COUNCILMAN BIRO** seconded by Councilman Fiebig to adopt **Ordinance No. 2009-90 – As Amended.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-90 – As Amended has been adopted.**

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**ORDINANCE NO. 2009-91**

**AN ORDINANCE ACCEPTING THE BID OF REPUBLIC SERVICES FOR THE CITY-WIDE TRASH AND RECYCLING PROGRAM AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILWOMAN FELLOWS,** seconded by Councilman Germano to suspend the Three Reading Rule for **Ordinance No. 2009-91.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-91 has been suspended.**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS,** seconded by Councilwoman Fellows to adopt **Ordinance No. 2009-91.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-91 has been adopted.**

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**ORDINANCE NO. 2009-92**

**AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES, AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 923 – SEWER RATES, SECTION 923.01 – SEWER RATE CHARGES ESTABLISHED, SUBSECTION (c) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN GERMANO,** seconded by Councilman Biro to suspend the Three Reading Rule for **Ordinance No. 2009-92.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-92 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO,** seconded by Councilman Germano to adopt **Ordinance No. 2009-92.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-92 has been adopted.**

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**ORDINANCE NO. 2009-93**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SOLICIT AND AWARD GENERAL TRADES CONSTRUCTION CONTRACTS WITH A TOTAL MAXIMUM ALLOWANCE OF \$25,000 FOR THE CORPORATE 90 PUMP STATION IMPROVEMENTS AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN GERMANO,** seconded by Councilman Biro to suspend the Three Reading Rule for **Ordinance No. 2009-93.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-93 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO,** seconded by Councilman Germano to adopt **Ordinance No. 2009-93.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-93 has been adopted.**

**ORDINANCE NO. 2009-94**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SOLICIT AND AWARD GENERAL TRADES CONSTRUCTION CONTRACTS WITH A TOTAL MAXIMUM ALLOWANCE OF \$25,000 FOR THE STARK DRIVE PUMP STATION IMPROVEMENTS AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2009-94.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-94 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to adopt Ordinance No. 2009-94.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-94 has been adopted.**

**ORDINANCE NO. 2009-95**

**AN ORDINANCE AMENDING ORDINANCE NO. 2009-24 AND ORDINANCE NO. 2009-75 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 COUNCILWOMAN FELLOWS**, seconded by Councilman Germano to amend Ordinance No. 2009-95 to bring into line the changes that were recently made by the Finance Director.

**The Finance Director explained that Council had before them the final version of Ordinance No. 2009-95; Some of the changes on page 3, Fund #240 – were basically with a total zero amount of column add/delete; Fund #250 – increased Benefits to \$9,000.00, decreased Operations by \$9,000.00 resulting in a zero balance; Fund #280 – increased Operations & Maintenance by \$15,000.00; Fund #290 – increased Fund Transfer to Sewer Fund #610 by \$.72; Fund #423 – increased amount \$57,300.00; Fund #444 – increased amount \$4,000.00; Fund #610 – decreased Personnel Expenses \$30,000.00, increased Benefits \$6,000.00, increased Operations Maintenance \$650,000.00 and advanced to Fund #423, \$107,300.00. Finance Director pointed out that the \$650,000.00 reverses a previous legislation action that was taken out erroneously, it shouldn't have been taken out, so now it is placed back into the Account; Fund #640 balances out to zero; Total Appropriation \$15,654,331.38**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-95 has been amended to include the aforementioned changes as stated by the Finance Director.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to suspend the Two Day Notification Rule for Ordinance No. 2009-95 – As Amended.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Two Day Notification Rule for Ordinance No. 2009-95 – As Amended has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2009-95 – As Amended.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-95 – As Amended has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Reichelt to adopt **Ordinance No. 2009-95 – As Amended.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-95 – As Amended has been adopted.**

**NEW BUSINESS**

- There was no new business brought forth to Council.

**FOR THE GOOD OF THE ORDER**

- Councilman Germano wanted to give a special thanks to the Mayor's Assistant Gloria Majeski and the Mayor for the Trash/Recycling Program
- Councilman Reichelt announced the arrival of a new business in town, the former establishment Bogey's Fine Wine Deli, is now called Double D Beverage and Deli.
- Council wished everyone a Happy New Year and Best of Luck in 2010.
- President Malecek announced that the Organization Meeting of Council will be held on Monday, January 4<sup>th</sup> at 7:00 p.m. as mandated by City Charter.

**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 this Meeting of Council is adjourned.**

**Meeting adjourned at 7:51 p.m.**

**APPROVED:** \_\_\_\_\_  
Date

\_\_\_\_\_  
**Kevin D. Malecek**

*President of Council*

**ATTEST:** \_\_\_\_\_  
**Victoria Ann Savage, CMC**  
*Clerk of Council*