

# City of Willoughby Hills

## Regular Council Meeting Minutes of February 11, 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 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 Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig

**Absent:** Councilman Raymond C. Somich, Law Director Thomas G. Lobe  
City Engineer Richard Iafelice

**Also Present:** Mayor Robert M. Weger, Finance Director Joseph G. Mirtel,  
Todd Cipollo attending for Law Director Thomas G. Lobe  
Clerk of Council Victoria Ann Savage

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Biro to excuse Councilman Raymond C. Somich from the Regular Council Meeting February 11, 2010.

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

**President Malecek declared that Councilman Somich has been excused from the Regular Council Meeting of February 11, 2010.**

### **Disposition of the Journal      Regular Council Meeting of January 28, 2010**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Germano to approve the Regular Council Meeting Minutes of January 28, 2010.

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

**President Malecek declared that the Regular Council Meeting Minutes of January 28, 2010 have been approved as submitted.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Reichelt to amend the Agenda for the inclusion of Ordinance No. 2010-8.

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

**President Malecek declared that the Agenda for the Regular Council Meeting of February 11, 2010 has been amended to include Ordinance No. 2010-8.**

### **Correspondence**

- Mayor's Report for January 2010
- Email: From President Malecek to Members of Council, Mayor, Law Director, Finance Director, dated February 3, 2010 re: Burke/CCA Article from Crain's

- City Engineer's February Status Report
- **LAW DIRECTOR THOMAS G. LOBE TO MAYOR AND MEMBERS OF COUNCIL, DATED FEBRUARY 3, 2010 RE: NORTHEAST OHIO REGIONAL SEWER DISTRICT (NORS) LITIGATION**
- **FINANCIAL REPORTS: CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING JANUARY 2010**

#### **Notifications**

- Finance Committee Meeting of February 4, 2010
- Ohio Municipal League: 2010 Seminars for Newly Elected Council Members
- Planning and Zoning Commission and Architectural Board of Review Meeting of February 4, 2010
- Rules & Legislation Committee Meeting of February 11, 2010
- Willoughby Hills Public Forum to Review Upcoming Citywide Trash & Recycle Program with Republic Services

#### **Minutes**

- **Finance Committee Meeting of February 4, 2010**
- **PLANNING & ZONING COMMITTEE OF FEBRUARY 1, 2010**
- **Rules and Legislation Committee Meeting of February 11, 2010**

#### **On File**

- Flyer Announcing the Pancake Breakfasts to be held during the Month of March
- WH Senior Center Activity Pages for February 2010 – Issue 2

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

- Service Department – Salt Usage (EPA concerns as well as cost savings measure)
- Maplegrove Development Clarification/Mary Rose Estates
- Police Department – Burglary Update/Reinforce Safety Procedures for Residents
- Assessment Area C – Progress Report
- Republic Services – Public Forum Dates – Wednesday, February 24<sup>th</sup> and Tuesday, March 9<sup>th</sup> at 7:00 p.m. at WH Community Center – Golden Buckeye Cards that need to be faxed for Seniors to qualify for discount can be done at City Hall
- AARP offering free assistance with Federal and State Income Taxes on Tuesdays from 9:00 a.m. to Noon – Call City Hall to get appointment time
- RITA coming to City Hall one day only ( Monday, March 15<sup>th</sup> from Noon to 7:00 p.m. – No appointment necessary
- Supports passage of Ordinance No. 2010-6
- Save the Dates:  
  - March 7, 14, and 21  
Upcoming Pancake Breakfasts, including Boys Baseball and Girls Softball Signups
  - Saturday, March 6<sup>th</sup> (see City Website for details)  
Boys League Reverse Raffle
  - Saturday, March 6<sup>th</sup> (see City Website)  
South High School Reverse Raffle

#### **LAW DIRECTOR'S REPORT – Todd Cipollo attending for Law Director Thomas G. Lobe**

- No formal report was given; available for questions

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

- Finance Department working on and preparing the 2010 Budget
- Anticipating Legislation for Roll-Over Notes for the City in the total amount of \$1,250,000
- Financial Reports consisting of Cash Reconciliation, Purchase Orders and fund Balance Change Analysis for the month ending January 2010 were distributed to Council for review

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

- City Engineer Iafelice was not in attendance; therefore no formal report was given.
- Previously submitted Engineer's Report for February 2010 for Council's review

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

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

- Councilman Somich was not in attendance; therefore President Malecek reported that a Finance Committee Meeting was held on Thursday, February 4<sup>th</sup> on the agenda was the discussion relating to Ordinance No. 2010-7 – an Ordinance proposing an increase in the City Income Tax Rate.

#### **COMMITTEE MEETING OF FEBRUARY 4, 2010**

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

**Also Present:** Councilman Christopher L. Biro, Councilman Frank A. Germano, Mayor Weger, Finance Director Mirtel

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

**Meeting convened at 5:45 p.m.**

#### ***Order of Business***

- After an overview of the situation, which Finance Director Mirtel has been presenting to Council for over a year, those in attendance came to consensus that Council would need to put some measure on the ballot to generate additional revenue in 2010, in order to offset a projected major deficit even after over \$500,000 in expense cuts in 4Q2009 and 1Q2010. The City cost revenue of approximately \$300,000 from last year and will incur an additional payroll of \$200,000, which happens approximately every 10 years.
- **Note:** Due to aggressive collection efforts and taking credit cards, the City has collected \$49,000 in old taxes.
- A Real Estate Tax Levy was not considered because it would hurt the retired and unemployed residents, and also because the revenue would not come to the City until 2011.
- It has been 34 years since the City has increased the Income Tax.
- **The proposed Ordinance would:**
  - (1) Increase the City Income Tax Rate to 2.25%
  - (2) Increase the City Credit to 1.85%
  - (3) Generate approximately \$1,000,000 more annually – the majority from non-City residents
  - (4) Actually decrease City Income Tax for 61% of City residents (those who work outside the City)
  - (5) 25% of people would have a modest increase
  - (6) Change the percentage of City's cash generated from residents from 41% to 30-32%
  - (7) Help out City in a position to establish a 10% carryover in the General Fund (\$500,000)
- To get this placed on the April ballot, and have the Ordinance read three times, we would need to have the first reading on 2/11, a second reading at a Special Meeting to be scheduled and a third reading on 2/25

#### ***Public Portion***

Public Portion was opened at 6:47 p.m. with comments made by Frank Cihula, Joyce Grady, Linda Fulton, and Robert Kowalsky. With no one else coming forth from the public sector, Public Portion was closed at 6:49 p.m. and the meeting was adjourned.

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

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

#### **COMMITTEE MEETING OF FEBRUARY 1, 2010**

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

**Also Present:** Councilman Raymond C. Somich (arrived 7:05 p.m.)

**Purpose of the Meeting was to discuss Exterior Maintenance Code - Residential and any other business.**

**Meeting convened at 7:02 p.m.**

#### ***Order of Business***

Discussion on proposed legislation that has long been asked for, to create a Code of minimum standards for Exterior Residential property. Rather than adopt the entire International Property Maintenance Code, this

legislation has been written which takes elements from that Code and also from surrounding communities' Ordinances. This draft creates a minimum stand that allows the City to maintain a minimum level of enforcement for things like abandoned properties that need the grass cut, or complaint driven enforcement for our residents to be able to maintain their property values. The entire document was reviewed, numerous changes were made and it was again referred to legal review and to the clerk.

***Public Portion***

Public Portion was opened at 7:52 p.m.

Frank Cihula – Misdemeanor, Home Rule; Ms. Linda Fulton – Complaint Driven, opposed to excessive intrusion

The meeting was adjourned at 7:58 p.m.

**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.
- Noted that there was no information from the Recreation Commission to bring forth to Council

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

**Committee Members:**

**Frank A. Germano, David A. Reichelt**

**COMMITTEE MEETING OF FEBRUARY 11, 2010**

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

**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 6:15 p.m.**

***Order of Business***

**Ordinance No. 2010-6** – Ordinance regarding the Agreement with the Fire Fighters' – Labor Contract

**Consensus of the Committee was to recommend passage of the Ordinance**

**Ordinance No. 2010-7** – Ordinance dealing with Income Tax Increase - Discussed in the Finance Committee held February 4<sup>th</sup>

**Consensus of the Committee was to place the Ordinance on First Reading**

**Ordinance No. 2010-8** – Ordinance regarding Sign Regulations

**Consensus of the Committee was to place the Ordinance on the Agenda of the Regular Council Meeting of February 11<sup>th</sup>; Ordinance to be placed on First Reading**

**Brief discussion with respect to scheduling a Special Council Meeting to be held on Thursday, February 18<sup>th</sup> at 5:45 p.m. for the purpose of addressing Ordinance No. 2010-7.**

***Public Portion***

**Public Portion was held; Robert Kowalsky came forth to express his comments and concerns.**

**Meeting adjourned at 6:30 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.

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

### **Committee Members:**

**Raymond C. Somich, Mayor Robert M. Weger**

- The Personnel Relations Committee has not met; therefore no formal report was given.
- Supports passage of Ordinance No. 2010-6 – Fire Fighters’ Labor Agreement

## **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**

- No other Council Representative Reports were brought forth to Council.

## **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 7:17 p.m.**

**1. Robert Kowasky**

**2585 Timberline Drive**

**Re: Ordinance No. 2010-7 – Income Tax Increase, questioned the effective date of the Tax Increase;**

**How many Members of Council have petitions out at the Election Board; Questioned why Vice**

**President Reichelt and President Malecek abstained from voting for the appointment of President of Council and for the appointment of Vice-President of Council**

**Public Portion was closed at 7:23 p.m.**

## **UNFINISHED BUSINESS**

- There was no unfinished business brought forth to Council this evening.

## **LEGISLATION**

### **ORDINANCE NO. 2010-6**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE WILLOUGHBY HILLS FIRE FIGHTERS, LOCAL #3149 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2010-6.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2010-6 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to adopt Ordinance No. 2010-6.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2010-6 has been adopted.**

**ORDINANCE NO. 2010-7**

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY PROVIDING FOR AN INCREASE IN THE RATE OF THE MUNICIPAL INCOME TAX TO TWO AND ONE-QUARTER PERCENT (2.25%) AND A TAX CREDIT OF ONE HUNDRED PERCENT (100%) WITH SAID CREDIT LIMIT TO BE EQUAL TO ONE AND EIGHTY-FIVE HUNDREDTHS PERCENT (1.85%) AND DECLARING AN EMERGENCY.

President Malecek stated that Ordinance No. 2010-7 would remain on First Reading.

**ORDINANCE NO. 2010-8**

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE NINE – SIGNS, CHAPTER 1151 – SIGN REGULATIONS, SECTION 1151.05 – SIGNS IN NONRESIDENTIAL DISTRICTS, SECTION 1151.06 – PROHIBITED SIGNS AND CHAPTER 1103 – DEFINITIONS, SECTION 1103.02 - DEFINITIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to suspend the Two Day Notification Rule for Ordinance No. 2010-8.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that the Two Day Notification Rule for Ordinance No. 2010-8 has been suspended and accordingly Ordinance No. 2010-8 would remain on First Reading.

**NEW BUSINESS**

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

**FOR THE GOOD OF THE ORDER**

- President Malecek announced that a Special Council Meeting has been scheduled for Thursday, February 18<sup>th</sup> at 5:45 p.m.

**ADJOURNMENT**

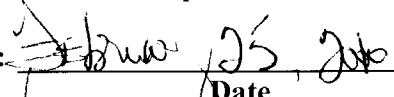
MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to adjourn the Meeting.

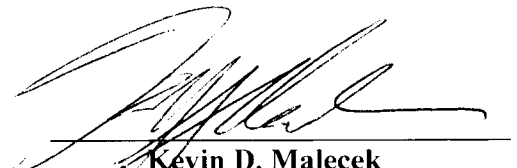
Roll Call: 6 AYES – unanimous


MOTION PASSES

President Malecek declared that this Meeting of Council is adjourned.

Meeting adjourned at 7:26 p.m.

APPROVED:  25, 2010  
Date

  
Kevin D. Malecek  
President of Council

ATTEST:   
Victoria Ann Savage, CMC  
Clerk of Council