

# City of Willoughby Hills

## Regular Council Meeting Minutes of January 28, 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 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

**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**      **Regular Council Meeting of January 14, 2010**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to approve the Regular Council Meeting Minutes of January 14, 2010.

**Roll Call: 7 AYES**

**MOTION PASSES**

**President Malecek declared that the Regular Council Meeting Minutes of January 14, 2010 have been approved as submitted.**

### **Correspondence**

- Ohio Ethics Commission, dated January 19, 2010 re: 2009 Pre-Printed Financial Disclosure Statements – Distributed to Members of Council and to the Mayor
- Kevin Delaney, Airport Manager to Honorable Robert Weger, dated January 15, 2010 re: Brief Update on the Airport Master Plan Process
- Letter from the Planning & Zoning Commission to Kevin D. Malecek, Council President and Members of City Council, dated January 25, 2010 re: Recommended Changes to the City's Sign Code (Chapter 1151)
- Thomas G. Lobe, Law Director to Sandra Curtis-Patrick, Assistant Cuyahoga County Prosecutor, dated January 26, 2010 re: Cuyahoga County Airport/Request for Public Records
- **FINANCIAL REPORTS: CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING DECEMBER 2009**

### **Notifications**

- Board of Building & Zoning Appeals – Did not Meet February 9, 2010 – No appeals were received
- Finance Committee Meeting of January 28, 2010
- Planning and Zoning Commission and Architectural Board of Review Meeting of January 21, 2010
- Planning & Zoning Committee Meeting of February 1, 2010
- Rules & Legislation Committee Meeting of January 25, 2010

- Utilities Committee Meeting of January 25, 2010

#### **Minutes**

- Board of Building & Zoning Appeals Meeting of November 10, 2009
- **Finance Committee Meeting of January 28, 2010**
- Planning and Zoning Commission & Architectural Board of Review Meeting of January 7, 2010
- Planning and Zoning Commission & Architectural Board of Review Meeting of December 17, 2009
- **Rules and Legislation Committee Meeting of January 25, 2010**

#### **On File**

- City of Willoughby Hills Winter 2010 News Letter

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

- Assessment Area C – sewer project underway, please be patience with construction vehicles
- Republic Services – starting implementation of Citywide Trash and Recycle Program; letter set to go to residents February 15<sup>th</sup>; Public Forum – date yet to be announced by Service Committee of Council, Trash & Recycle Bins set to be delivered 3<sup>rd</sup> week of March; other vendor's cans to be picked up last week of March with final service pickup
- Service Department – snow removal and salting underway – spot salting due to cost of salt
- City Newsletter mailed to residents this week
- AARP – offering free assistance with Federal and State Income Taxes on Tuesday from 9:00 a.m. to Noon beginning February 2, 2010 – Call City Hall to get appointment time
- RITA – coming to City Hall one day only, Monday, March 15, 2010 from Noon to 7:00 p.m. – no appointment necessary
- U.S. Census – please complete upcoming mailer or expect a visit from the Census Taker – Mayor's Office can help with Census Form completion
- Forming WH Sports Commission to handle the “day to day” operation of the City's sports leagues (Baseball, Football and Basketball)
- Acknowledgments:  
Congratulations to Fire Department Secretary, Stefanie Nero on the birth of her baby girl
- Events:  
WHISPER Volunteer Recognition Cermony – Sunday, Janaury 31, 2010 – 2:00 p.m. to 4:00 p.m. at the Community Center – Everyone is welcome  
Pancake Breakfasts – First three Sundays in March

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

- Request for Public Records submitted to the Cuyahoga County Airport
- Potential Litigation – Northeast Ohio Regional Sewer District vs. 62 Municipalities, with City of Willoughby Hills being the 62<sup>nd</sup> municipality named

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

- Finance Reports for the month ending December 2009 were distributed to Council
- Reported that year ending 2009, all City funds are in the black

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

- SOM Center Signalization Project – ODOT Meeting – Bid Opening March 11<sup>th</sup> – all Change Orders, all Processing Change Orders, any extra costs, that go over, above and beyond, the City's allocation, will be borne by the City and the project will not proceed unless the Change Order is paid. City needs to be mobile to address those situations if they were to occur; you may or may not know, the City Engineer has requested the City to budget a certain amount for this project, on a local side, as a contingency. The Engineer still thinks that the budget is going to work, but will summarize, in just a “one-pager”, an outline of the costs as currently estimated, with contingencies and identify what contingency fund the City should have available, might suggest that the contingency fund require legislation to allow the Mayor to spend up to that maximum

to eliminate any delays in issuing, if there are legitimate Change Orders issued by the contractor on the project, up to a maximum allowable amount

- City Engineer will require a couple of days to produce the outline of costs and the required legislation
- 2010 heading into Construction will provide email blasts as a form of project communications
- Lamplight Lane – does not appear to be a project that will be addressed this year; additional information is required

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

**Committee Members:**

**Nancy E. Fellows, David M. Fiebig**

**COMMITTEE MEETING OF JANUARY 28, 2010**

**Members Present:** Councilman Raymond C. Somich, Chair, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig

**Also Present:** Councilman Frank A. Germano, President Kevin D. Malecek, Vice President David A. Reichelt, Mayor Weger, Finance Director Mirtel, Law Director Lobe

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

**Meeting convened at 5:39 p.m.**

***Order of Business***

**Discussion of the General Fund**

- Finance Director distributed a fourteen (14) page analysis of graphs and schedules comparing 2008/2009 actual numbers with 2010 projected budgets. Discussed major changes including tax income reductions and extra payroll period expense.
- Expense cuts were made totaling several hundred thousand dollars. Also holding off purchasing two (2) police cars: note concern for new fire pumper needed within 2-3 years
- City minimum carryover should be 10% (2 payrolls)
- Started 2010 with about 11%
- Estimates now show deficit for 2010 budget of \$586,000
- Proposed scenarios of income tax changes or a real estate levy (which would not render revenue until 2011)
- Must vote by 2<sup>nd</sup> Council Meeting of February to have an issue on Primary Election Ballot

*At 6:48 p.m. Councilman Fiebig motioned to adjourn into Executive Session, Councilwoman Fellows seconded. Finance Committee adjourned into Executive Session for the purpose of discussing possible changes in personnel.*

**With all members of the Finance Committee present, the Meeting reconvened at 7:00 p.m.**

***Public Portion***

**Public Portion was opened at 7:04 p.m. with comments made by Linda Fulton, Joyce Grady and Frank Cihula. With no one else coming forth from the public sector, Public Portion was closed at 7:04 p.m. and the meeting was adjourned.**

**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.
- Announced that a Committee Meeting has been scheduled for Monday, February 1<sup>st</sup> at 7:00 p.m. and will be held in Council Chambers

**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 JANUARY 25, 2010	
<b>Members Present:</b> President Kevin D. Malecek, Chair, Councilman Frank A. Germano, Vice President David A. Reichelt	
<b>Also Present:</b> Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Councilman Raymond C. Somich	
<b>Purpose of the Meeting was to discuss Pending Legislation and any other business.</b>	
Meeting convened at 7:51 p.m.	
Order of Business	
No legislation was presented for Council to review. Meeting was convened, moved to New Business and moved to Public Portion prior to adjournment.	
Public Portion	
<i>Robert Kowalsky – you need to give everybody in the City credit for their improvements – you don't cost any money – give it like you did with Classic. All these people that want to do their house – the media, the politics, and all the crap. Every homeowner that puts money into their home would not pay taxes on that improvement. You don't have it because you never did it – your produce is talking – am I out of time – wonderful, wonderful. Something they could give the people – the ones that kept themselves responsible with their duties. Giving it to the ones that are actually here. If this Council would start this, would start to do some other things – put in another windmill, put in another gas well – did we turn into Richmond Heights end?</i>	
Meeting adjourned at 7:55 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.
- Mayor informed the Safety Committee that the School Zone Flashing Signs in front of WH Friends Corner Stone Academy will be installed shortly probably sometime next week

#### **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.
- Public Information Meetings are to be scheduled, mid-February to discuss the roll-out of the Citywide Trash/Recycle Program
- Mayor informed the Service Committee that one of the drainage projects discussed last year, was Fowler Road Drainage involving the Sturgill's property – work on this project is scheduled to begin sometime next week

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

##### **Committee Members:**

**Nancy E. Fellows, Raymond C. Somich**

COMMITTEE MEETING OF JANUARY 25, 2010	
<b>Members Present:</b> Councilman Frank A. Germano, Chair, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, President Kevin D. Malecek, Chair, Vice President David A. Reichelt, Councilman Raymond C. Somich	
<b>Also Present:</b> Councilman Christopher L. Biro, Councilman Raymond C. Somich, City Engineer Richard Iafelice, Law Director Thomas G. Lobe (only for NEORS D)	
<b>Purpose of the Meeting was to discuss: (1) New Service Area to NEORS D, (2) Continued Program for Sewer Detection, (3) Green Ridge Private Property Correction Issues and any other business.</b>	
Meeting convened at 6:32 p.m.	
Order of Business	
<b><u>Northeast Ohio Regional Sewer District Litigation.</u></b> The City has not yet received the certified notification. Swagelok property is the only real property to be affected.	
<b><u>Green Ridge Sanitary Sewer System</u></b> – Notices of repair of six (6) property owners were reviewed, because of this program, the monitoring of other streets will be in the future, possibly starting with Camelot and Canterbury.	
<b><u>Assessment Area C</u></b> – Contractor Fabrizio is mobilizing to start.	
Public Portion	

Public Portion was opened at 7:45 p.m.

**Joyce Grady** – would like people to come together for better pricing on connections – would like list of contractors and would like an informal meeting with City for connections

**Robert Kowalsky** – wants a list of contractors approved by the people; Swagelok property, what is the cost to bring Swagelok into our system?

Meeting adjourned at 7:51 p.m.

## **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.

## **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 7:41 p.m.

1. **Frank Cihula**

**Dixon Road**

**Re: Establishment of Garfield Park Fund – Sale of Garfield Park Memorabilia – Raised \$400**

Public Portion was closed at 7:43 p.m.

## **UNFINISHED BUSINESS**

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

## **LEGISLATION**

- There was no legislation brought forth for consideration this evening.

## **NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to authorize the Mayor to accept the bid of \$7,325.00 submitted by Pro Tree & Landscape Co., Inc. of 1551 17<sup>th</sup> Street, Cuyahoga Falls, Ohio 44223 for the 2010 Brush Pile Project.

**Roll Call:      7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Mayor is hereby authorized to accept the bid of \$7,325.00 presented by Pro Tree & Landscape Co., Inc. of 1551 17<sup>th</sup> Street, Cuyahoga Falls, Ohio 44223 for the 2010 Brush Pile Project.**

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

- Councilman Somich announced the following events:

*The Wear Red for Women Breakfast and Fashion Show* to be held on Friday, February 6<sup>th</sup> from 7:30 a.m. to 9:00 a.m. at the Holiday Inn Express Hotel & Suites LaMalfa. Contact Lake Health for further information.

*The largest Blood Drive* to be held at Landerhaven on February 9<sup>th</sup> from 7:00 a.m. to 7:00 p.m.

- President Malecek reminded everyone of the Pancake Breakfasts coming up in March
- President Malecek announced that *CityMusic Cleveland* will be performing at the Willoughby United Methodist Church on Friday, February 5<sup>th</sup>, concert to begin at 7:30 p.m.

**ADJOURNMENT**


**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Fiebig to adjourn the Meeting.

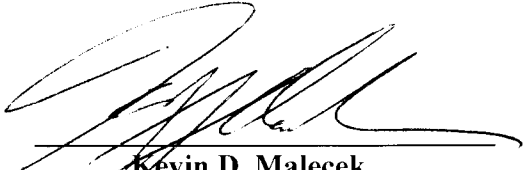
**Roll Call: 7 AYES – unanimous**


**MOTION PASSES**

**President Malecek declared that this Meeting of Council is adjourned.**

**Meeting adjourned at 7:46 p.m.**

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

  
\_\_\_\_\_  
**Kevin D. Malecek**  
*President of Council*

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