

City of Willoughby Hills

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

Regular Council Meeting

Minutes of July 14, 2011

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.

Meeting Called to Order at 7:00 p.m. 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

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

Also Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Frank J. Brichacek, City Engineer Richard J. Iafelice, Clerk of Council Victoria Ann Savage

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to excuse Councilman Christopher L. Biro and Councilwoman Nancy E. Fellows from attending the Regular Council Meeting of July 14, 2011.

Roll Call: 5 AYES

MOTION PASSES

President Malecek stated that Councilman Christopher L. Biro and Councilwoman Nancy E. Fellows have been excused from the Regular Council Meeting of July 14, 2011.

Disposition of the Journal Regular Council Meeting of May 12, 2011

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Somich to approve the Minutes of the Regular Council Meeting of May 12, 2011 as submitted.

Roll Call: 5 AYES

President Malecek declared that the Regular Council Meeting Minutes of May 12, 2011 have been approved as submitted.

Correspondence

- Mayor's Court Monthly Statement to Council for June 2011 (Emailed: July 12, 2011)
- City Engineer to Honorable Robert M. Weger/Mayor/Safety Director, dated July 5, 2011 re: Camelot Court Improvements/Bid Results (Emailed: July 11, 2011)
- City Engineer to Honorable Robert M. Weger/Mayor/Safety Director, dated July 7, 2011 re: Eddy Road Drainage & Roadway Improvements/Bid Results (Emailed: July 11, 2011)
- City Engineer's Status Report for July 2011
- Financial Reports for the Month Ending June 2011 consisting of: General Fund Income Statement, Cash Reconciliation, Purchase Order Reports, Fund Analysis Reports, and Expense Reports (Emailed: July 8, 2011)

Notifications

- Special Council Meeting of July 2, 2011 (Emailed: June 30, 2011)
- Board of Building and Zoning Appeals Notification that the BZA will not meet on July 12, 2011 for there were no appeals received (Emailed: June 24, 2011)
- Finance Committee Meeting of July 11, 2011 (Emailed: July 8, 2011)
- Planning and Zoning Commission & Architectural Board of Review Meeting of July 7, 2011 (Emailed: July 1, 2011)
- Planning and Zoning Committee Meeting of July 2, 2011 (Emailed: June 30, 2011)
- Planning and Zoning Committee Meeting of July 25, 2011 (Emailed: July 12, 2011)
- Rules & Legislation Committee Meeting of July 11, 2011 (Emailed: July 7, 2011)
- Rules & Legislation Committee Meeting of July 25, 2011 (Emailed: July 12, 2011)
- Service Committee Meeting of July 11, 2011 (Emailed: July 7, 2011)
- Utilities Committee Meeting of July 2, 2011 (Emailed: June 30, 2011)

Minutes

- Planning and Zoning Committee Meeting of June 13, 2011 (Emailed: June 30, 2011)
- Planning and Zoning Committee Meeting of July 2, 2011 (Emailed: July 12, 2011)
- Rules & Legislation Committee Meeting of July 11, 2011 (Emailed: July 12, 2011)

On File

- Willoughby Hills Senior Center Activity Pages for July 2011, Issue Number 7

MAYOR'S REPORT – Robert M. Weger

- Assessment Area C – Sewer Update
- Mosquito Spray schedule – see Lake County General Health District Website
- Ordinances for Eddy Road & Camelot - Support Passage
- Cul-de-sac work on Camelot
- **Acknowledgements**

Welcomed Bryan Hudak, Part-Time Firefighter

United Way Day of Caring – Thank You Luncheon

Frank Germano for being Chief

Gloria Majeski for her time and extremely generous donation

Upcoming Events

Safety Town – starts Monday July 18th

Community Flea Market – Saturday, August 20th

Community Touch-A-Truck – Saturday, August 27th

Corn Fest – September 10th and 11th – Car Raffle is the major funding source of the Corn Fest and tickets are available at City Hall

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

- Workman's Comp Case – City is denying the claim.

FINANCE DIRECTOR'S REPORT – Frank J. Brichacek, Jr.

- No formal report was given.

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

- Reconciliation of Assessments for Area "C"
- Special Meeting to consider the final Ordinances for levying special assessments
- Restoration Issues to be referred directly to Eric Haibach
- Success of the Assessment Area "C" Sewer Workshop Meeting held at the Community Center – Key Bank – Link Deposit Loan Program/Positive Feedback

COMMITTEE REPORTS

FINANCE – Raymond C. Somich, Chair

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

COMMITTEE MEETING JULY 11, 2011

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

Also Present: President Kevin D. Malecek, Vice President David A. Reichelt, Mayor Robert M. Weger, Finance Director Frank Brichacek

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

Meeting convened at 5:52 p.m.

Order of Business

- Finance Director explained purpose of tax budget, and mechanical process involved. Already had public hearing and there have been two readings of the Ordinance. Council set to adopt so can be completed on schedule to allow City to get property tax revenues. Has requested maximum amounts we think we will need. **Consensus to approve Ordinance and Adopt.**
- Briefly discussed reports and budget status as of June 30, 2011. Revenues currently at 10% over budget. Expenses also higher (Police O.T. due to crime issues) and street spending – meeting with Nate Catania to review. Also some adjustments due in Recreation budget for Safety town and some debt service adjustments.
- Regarding Safety based levy revenue is on budget. Councilwoman Fellows has reviewed this specifically with Finance Director.

Public Portion

The meeting was opened to the public for commentary at 6:05 p.m. No one came forth from the Public Sector.

Meeting adjourned at 6:06 p.m.

PLANNING & ZONING – David M. Fiebig, Chair

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

COMMITTEE MEETING JULY 2, 2011

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

Also Present: Councilwoman Nancy E. Fellows, Planning Commission Member Mayor Robert M. Weger

Purpose of the Meeting was to discuss Proposed Master Plan for Comprehensive Land Use and any other business.

Meeting convened at 9:02 a.m.

Order of Business

Master Plan. Received letter from DB Hartt. Read his proposal for a review, not more than \$1500. This includes a meeting with Council. Read Charter 5.13 authorizes Planning Commission to make contract services of City planners within appropriations. Fiebig recommended using Contingency Fund for no more than \$1500 expenditure.

REICHELTL: Glad to see cost proposal is reasonable. Favorable comments to have this done. **GERMANO:** Agree. **FELLOWS:** Agree. **Mayor:** Agree.

Public Portion

Public Portion 9:22 a.m. Linda Fulton: Why are we doing this review? Fiebig: Review by a consultant who is an authority is good, as an authority that was involved in the MP originally, it is very appropriate. Reichelt: Hundreds of changes. Lobe: Make sure the new changes blend. We should move forward from this Committee, rather than wait to send to P&Z Commission meeting, then get them together with Council. Weger, Hartt would look at conceptual changes, not grammatical.

Closed and moved to go forward as agreed.

Meeting adjourned at 9:25 a.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.

RULES & LEGISLATION – Kevin D. Malecek, Chair

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

COMMITTEE MEETING JULY 11, 2011

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 Raymond C. Somich, Mayor Robert M. Weger

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

Meeting convened at 6:07 p.m.

Order of Business

Ordinance 2011-38: Tax Budget for the coming year – Reviewed and recommended for adoption in Finance. Recommendation to Adopt at Council this Thursday.

Ordinance 2011-50: Camelot Court Improvements

Will be reviewed in Service this evening for a recommendation. Recommendation to Waive the Three Reading Rule and Adopt at Council on Thursday.

Ordinance 2011-51: Eddy Road Pavement and Drainage Rehabilitation Improvements

Will be reviewed in Service this evening for a recommendation. Recommendation to Waive the Three Reading Rule and Adopt at Council on Thursday.

Public Portion

Public Portion – Linda Fulton – has the contractor been paid for Area C? Not totally. Is it true there is a problem on Tall Tree? Grade on the street? Change order – nothing will be done? It will be corrected by the contractor.

Meeting adjourned at 6:30 p.m.

COMMITTEE MEETING JULY 14, 2011

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

Also Present: Councilman David M. Fiebig, Mayor Robert M. Weger, Law Director Thomas G. Lobe

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

Meeting convened at 6:48 p.m.

Order of Business

Ordinance 2011-52: Prohibition of Sale of Synthetic Drugs

Lobe – had instances in neighboring cities – asked for voluntary compliance from the vendor that sells it – bath salts and incense – little packets for about \$25 dollars, weight about 1 oz. Different capturing – test balloon to a degree. Fiebig – reason being – can there be sunset when the state law comes into effect? Lobe – it will be interesting to see what happens with the legislation. Weger – we have had local cases with kids – very serious – proprietor took it off the shelf – ready to sell under the counter.

Consensus to waive Three Reading Rule and Adopt at Council this evening.

Public Portion

Public Portion was opened at 6:56 p.m. and with no one coming forth to speak, was promptly closed.

Meeting adjourned at 6:56 p.m.

- President Malecek announced that a Rules and Legislation Committee Meeting has been scheduled for 6:00 p.m. on Monday, July 25th. The Rules and Legislation meeting will follow the Planning and Zoning Meeting scheduled for 5:30 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.

- Thanked the Rules and Legislation Committee for taking up the issue of the prohibition of the sale of synthetic drugs. The Safety Committee would have addressed this issue; however in order to be expeditious the matter was directed to the Rules and Legislation Committee so that it could be placed on this evening's agenda.

SERVICE – Christopher L. Biro, Chair

Committee Members: Nancy E. Fellows, Frank A. Germano

- The Service Committee did meet on July 11th; no formal report was given due to the absence of Councilman Biro. The Minutes of the Safety Committee Meeting held on July 11th were distributed to the Members of Council prior to this evening's meeting.

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

- In Councilman Biro's absence, President Malecek reported that the Personnel Committee has not met; and there is no formal report to present.

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 presented.

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 7:22 p.m.

1. Joan Maszi
2837 Stark Drive
Re: Concerned about the eyesore at the end of the street; requested that trees be planted along the property line of the Church; requested that the street be blocked off
2. Matt Dolinar
2765 Rockefeller Road
Re: Earning Boy Scouts Merit Bandage - Citizenship in the Community – one of the requirements was to attend a City Council Meeting; the second part of the requirement would be to choose one of the issues discussed at the meeting where different opinions were expressed. Do the Members of Council have any issues that would come up that would differ amongst the Members; where there would be different opinions?

The Law Director responded that he would gladly meet with Matt after the meeting to discuss some of the issues the Council sometimes debate on.

Public Portion was closed at 7:19 p.m.

UNFINISHED BUSINESS

- There was no unfinished business to be addressed by Council.

LEGISLATION

ORDINANCE NO. 2011-38

AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2012 FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Ordinance No. 2011-38.

Roll Call: 5 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-38 has been adopted.

ORDINANCE NO. 2011-50

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2011-10 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 GERMANO, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2011-50.

Roll Call: 5 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-50 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to adopt Ordinance No. 2011-50.

Roll Call: 5 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-50 has been adopted.

ORDINANCE NO. 2011-51

AN ORDINANCE ACCEPTING THE BID OF OSBORNE CONCRETE AND STONE FOR THE PURCHASE OF LIMESTONE FOR THE YEAR 2011 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2011-51.

Roll Call: 5 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-51 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to adopt Ordinance No. 2011-51.

Roll Call: 5 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-51 has been adopted.

ORDINANCE NO. 2011-52

AN ORDINANCE ACCEPTING THE BID OF OSBORNE CONCRETE AND STONE FOR THE PURCHASE OF ASPHALT FOR THE YEAR 2011 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2011-52.

Roll Call: 5 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-52 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to adopt Ordinance No. 2011-52.

Roll Call: 5 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-52 has been adopted.

NEW BUSINESS

- There was not new business brought forth to Council.

FOR THE GOOD OF THE ORDER

- Councilman Somich wanted to announce the following events:
 - July 28th – Arthritis Foundation of Northeast Ohio will be holding a special interest forum at St. Gabrielle's School in Concord from 6:00 p.m. to 9:00 p.m. There will be a series of medical and health experts available. Contact 216-831-7000
 - August 14th at 7:00 p.m. – They have returned America the Beautiful to Lake Farm Park – This event is free.
 - August 17th – Lake County Fair – Veteran's Day – Free admittance to the Fair
 - August 19th – Lake County Fair – Senior Day – Free admittance to the Fair
- President Malecek congratulated Councilman Somich on the upcoming nuptials of his daughter.

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 the Regular Council Meeting of July 14, 2011 to be adjourned at 7:34 p.m.

APPROVED: _____

Date

ATTEST: _____

Victoria Ann Savage, CMC
Clerk of Council

Kevin D. Malecek
President of Council