

Regular Council Meeting

Minutes of July 22, 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: Councilwoman Nancy E. Fellows, 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

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 July 8, 2010

MOTION WAS MADE BY COUNCILMAN BIRO seconded by Councilwoman Fellows to approve the Minutes of the Regular Council Meeting of July 8, 2010.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that the Regular Council Meeting Minutes of July 8, 2010 have been approved.

Correspondence

- David Reichelt, President L-Tronics, Inc. to Mayor Robert Weger, dated July 15, 2010 and copied to City Council and Council Clerk (Emailed: July 20, 2010)

Notifications

- Finance Committee Meeting of July 12, 2010 (Emailed: July 9, 2010)
- Finance Committee Meeting of July 22, 2010 (Emailed: July 19, 2010)
- Planning & Zoning Committee Meeting of July 15, 2010 (Emailed: July 15, 2010)
- Rules & Legislation Committee Meeting of July 19, 2010 (Emailed: July 16, 2010)
- Utilities Committee Meeting of July 27, 2010 (Emailed: July 16, 2010)

Minutes

- **Finance Committee Meeting of July 12, 2010**
- **Finance Committee Meeting of July 22, 2010**
- Planning & Zoning Commission and Architectural Board of Review Meeting of June 17, 2010 (Emailed: July 20, 2010)

• **Rules and Legislation Committee Meeting of July 19, 2010 (Emailed: July 20, 2010)**

MAYOR'S REPORT – Robert M. Weger

- Big Thank You to Councilman David Reichelt for his donation of time and expertise; referenced Correspondence regarding the Dispatch Project.
- Maple Grove Slope Failure – testing on soils; project completion date of around August 20th
- Garfield School Property – grindings from streets that are being paved through sewer project; City getting the grindings for free and will be used for future growth to put in some kind of parking lot there so that the City could use the property
- Sewer System – Improving system so that it is not contaminated with storm water (Lamplight, Camelot and Canterbury area)
- White Road – will be closed between Bishop Road and Richmond Road for sewer construction during the hours of 7:00 a.m. – 5:00 p.m. Monday – Thursday from August 2nd to the 31st. Please note road will be open for residents only
- Congratulated the O'Ryan's on their 60th Wedding Anniversary
- Congratulated two Firefighters who passed their RN exam
- Save the Dates:

Wednesday, July 28th

Girl All Star Baseball Picnic from 6:00 p.m. to 8:00 p.m.

Saturday, August 21st

Annual Community Flea Market to be held at Campbell Park from 9:00 a.m. to 3:00 p.m.

Saturday, August 28th

Touch-A-Truck from 10:00 a.m. to 2:00 p.m.

VFW Claim Bake from 3:00 p.m. to 5:00 p.m.

October 9th

Craft Fair – WH Community Center from 10:00 a.m. to 4:00 p.m.

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

- Referenced material handed out on Income Tax Rate Change
- Recommended the passage of Ordinance No. 2010-27

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

- Sewer Detection Notices provided through the Service Department – Lamplight, Camelot and Canterbury area
- Maple Grove Road Project – Road Closed – delays; additional costs incurred, damages
- Euclid Creek Sewer Project,/Assessment Area C – Contractor not proceeding as aggressively – scheduled to be completed by end of year; restoration spring of next year; slow on White Road
- Corporate 90/Stark Drive – Electrical Contractor and Service Department doing good job
- No real activity on SOM Road for the ODOT Project – Most of the activity will be done beginning mid-August through November

FINANCE – Raymond C. Somich, Chair

Committee Members:

Nancy E. Fellows, David M. Fiebig

COMMITTEE MEETING JULY 12, 2010

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

Also Present: Councilman Christopher L. Brio, President Kevin D. Malecek, Councilman David A. Reichelt, Mayor Robert M. Weger, Finance Director Joseph G. Mirtel, Assistant Finance Director Debbie Doles

Purpose of the Meeting was to discuss Ordinance No. 2010-27 and any other business.
Meeting convened at 5:03p.m.
<i>Order of Business</i>
Chief Auditor Jim Penning, and Michelle Stys of the State Auditor's Office gave presentation and/or overview of the merits of Performance Audits. 271 audits in 15 years: <ul style="list-style-type: none"> • 32 last year (largest per year amount) • 13,000 recommendations for improvements • Would be a cost of approximately \$25,000 • 4 – 6 month time frame to get report • Not possible to get anything by mid-October
Entered further discussion on <u>Ordinance No. 2010-27</u> Councilwoman Fellows related door-to-door survey taken and results of same. Councilman Reichelt did the same and reported results, specifically concerned about closing Detective Bureau.
Committee could not reach consensus to recommend moving the Ordinance to Council until getting more information.
<i>Public Portion</i>
<i>Opened at 6:57 p.m.</i> <u>Linda</u> – Retired and concerned about safety cuts. Needs to be voted on by the people <u>Bob</u> – Education on what we have done and what the funds will be used for <u>Cheryl</u> – Retired and concerned about safety – this City needs money and it should have been on ballot in Spring <u>Gloria</u> – Ashamed of Council Members, if they take away opportunity to help the City. People are working hard and Council should see what is happening. <i>Closed at 7:16 p.m.</i>
City Fire and Police have received grants every year.
Meeting adjourned at 7:17 p.m.

Councilman Fiebig clarified that Jim is the Head of the Performance Audit Department. The scope of the audit is self-defined, so Council, Administration, Finance would all get together and define what they would want the Performance Audit Department to do; therefore, the time that it would take to do this would be dependent on what the City would ask for. Final clarification, he couldn't start until mid-October

COMMITTEE MEETING JULY 22, 2010
<u>Members Present:</u> Councilman Raymond C. Somich, Chair, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig
<u>Also Present:</u> 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
<u>Purpose of the Meeting was to discuss City Finances and any other business.</u>
Meeting convened at 6:38 p.m.
<i>Order of Business</i>
<ul style="list-style-type: none"> • Discussed <u>Ordinance No. 2010-27</u> and received a majority of consensus to Move Ordinance to Council. • Discussed the need for a plan to be prepared as to the City's actions if the Ordinance passes, or not in a vote by the people.
<i>Public Portion</i>
<i>Opened at 6:55 p.m.</i> Robert Kowalsky suggested getting censuses from all Council Members
Meeting adjourned at 6:56 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.

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 19, 2010

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

Also Present: Councilman Christopher L. Biro, Councilman Raymond C. Somich, Mayor Robert M. Weger

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

Meeting convened at 6:45 p.m.

Order of Business

Ordinance 2010-27: Income Tax Rate Adjustment Ballot Issue

Third Reading on Thursday. Further discussions in Finance Committee on Thursday. **Consensus of the Committee to recommend Adoption by Council on Thursday.**

Ordinance 2010-30: Mechanical Amusement Devices and Game Rooms

Mayor – similar to Garfield Heights and Brookpark – we have a mechanical amusement device and game room ordinance – was just for coin operated – this would now include cards and would also change the rates. Places with six or more machines. Jukeboxes are included in it. 42 positions in the current establishments. Chairman asked for us to place it on First-Reading and speak further with the Law Director at a future Rules meeting to be held in August. Set fee – does definitely add to use of safety forces – locations are extremely crowded. Last time updated 1981. Reichelt – significance to number 6 in establishment? Weger – ordinance just modifying certain sections. Vending machines are excluded – 6 or more need to be present. Added traffic – waiting lines – busy from 11 a.m. to midnight (that’s when they can operate).

Public Portion

Linda Fulton – in regards to cyber playground, is there a ruling for parking – often times parking is full? Weger – we can’t tell them not to park certain places. Fulton – is parking available for all spaces? Somich – there are enough legal spaces for the building. Fulton – ruling on cell phone usage in the City of Willoughby Hills – not use them while driving? Reichelt – there is an existing law – full time and attention – hair dryers, eating, texting – it’s already there and enforceable (**Section 331.34 – Failure to Control; Weaving; Full Time and Attention**)

Meeting adjourned at 6:55 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.

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 Meeting has been scheduled for July 27, 2010; meeting to convene at 8:00 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

- There were no other reports given.

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. Robert Kowalsky

2585 Timberline Drive

Re: Ordinance No. 2010-27 - Tax Increase; Ordinance No. 2010-30 - Amendment of Entertainment Regulations

Public Portion was closed at 7:25 p.m.

UNFINISHED BUSINESS

- There was no unfinished business to address.

LEGISLATION

ORDINANCE NO. 2010-27 – THIRD READING

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY TO PROVIDE ADDITIONAL FUNDS FOR THE SAFETY FORCES OF THE CITY THROUGH AN INCREASE IN THE RATE OF THE MUNICIPAL INCOME TAX TO 2% AND FURTHER PROVIDE A TAX CREDIT OF 100% WITH SAID CREDIT LIMIT TO BE EQUAL TO 1.50% AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN REICHELDT, seconded by Councilman Somich to adopt Ordinance No. 2010-27.

Councilman Somich stated that after a considerable discussion of many different options that were available to us, including drastic cuts in our budgets, we have, this Council, has discussed the fact that something as important as this needs to go to the vote of the people. This is far too important, on an individual basis, and collectively as a City for just a few people to determine if the people want this type of a change, if they value certain services and if they are willing to pay, a portion, a small portion of what the City is willing to pay for those services to be continued, and that is what we are about to vote on whether this should be placed on the ballot for a vote of the people; it is not a tax increase, we are not voting for a tax increase, we are voting to allow the people to determine, if they want that increase in order to maintain or improve services, and he thinks that is a major distinction and that people should be aware that is part of the democratic process, to allow people to determine exactly what they want. We were elected to represent our people and we do that and he thinks that we do that very well, but something as important as this must go to the vote of the people.

Councilman Fiebig stated that he is very proud to serve with this group of people, he thinks that we have had good, positive Council; we've lead the City in ways that previous Councils and Administrations have struggled to have this level of discourse and thoughtful debate about things and the deep commitment, passion for the City of Willoughby Hills and this certainly has been an agonizing debate about this issue; it goes to his core philosophies and it really shakes him to that core, to the soul, to really examine deeply an issue such as this and in our democratic progress, our representative leadership that we have here, he does feel that he is representing people by his values, his ethics, core principles that he has, so he does have a problem with this legislation and has obviously voiced that in many of the meetings that we have had; he thinks that we do need to continue to ask the questions that have been brought up, continue to look for ways to help businesses thrive

in the community, continue to work for ways to develop some sort of Economic Development Plan, whether it's a team or individual approach; he does heartily endorse that we bring in a professional independent team, Performance Audit Team to look at the City in ways that none of us, volunteer, part-time Council people, part-time Mayor, full-time Finance Director and his team could look at; he thinks we need that, it would be very, very worthwhile to expend a small amount to probably bring back a huge return and to be validated that yes we are working as efficiently as possible. We have through these difficult times maximized efficiencies in our staff here, some of the things that he is hearing, the City Hall Workers, the Police and the Fire are doing are unprecedented and he thinks that is fantastic, they should be commended for the work that they are doing and he appreciates them as we all do. He thinks that we need to continue to define what are the bottom line core principles, core services that the City needs to offer and he thinks that process has evolved out of this. For example, do we need to be patrolling the highway or is serving our residents here in the City more important, can we do with less officers patrolling the highway and keep them here in the City within its borders, that are not major highways. So we are going to continue to work, he is very happy to hear that there is going to be a plan that is going to be written and put in place, he thinks that it is long overdue and he is glad to hear that we are going to meet again for this performance audit and we will continue to define what our core services are and he is happy to say that we do have a balanced budget projected at the end of the year. So again looking ahead, we have usually agreed on most everything, unfortunately with this legislation he does not agree that this is the best path forward at this time but he will continue to work with all of you on Council and he does respect you and he does appreciate your friendship and camaraderie and he just can't support this legislation at this time but we are going to continue to move forward in a positive direction for the citizens of Willoughby Hills.

Councilwoman Fellows stated that she agreed with many of the sentiments that Councilman Fiebig had mentioned. She does what to say that this issue certainly has affected this Council like no other one in the past and it has most certainly has compromised our friendships. We have been told by our Finance Director repeatedly, that we need more revenue and we need to spend less. To the Mayor's credit, and in some instances with Council's approval, he has made cuts, he has found ways to save money, he has suggested a Citizen's Committee to be formed to look over the City's financial situation and make some suggestions. Council has had Committee Meetings, brainstorming ideas as well. We have had a presentation from the State Auditor's Office about having a Performance Audit completed. When asked about educating our residents, she was told to find the money; I am glad to see that the Mayor is making strides to find a way to get this message to the community and these are all very positive steps. The bottom line is that we need to find additional ways to decrease spending and increase revenue. The City cannot operate on increased income taxes and Mayor Court fines alone.

Mayor Weger wanted to comment on this; 2010, yes we will have a balanced budget and if you look at the sheet that was passed out at a couple Finance Meetings ago, we will have \$28,000 in our General Fund. Now we have a bi-monthly payroll of over \$200,000. The State Auditor's recommend that you have 10% of your General Fund in excess, that would be about a \$600,000 dollar carry-over every year; we are looking at \$28,000 this year. When we look at projections, and we gave projections 5 years out at that Finance Committee Meeting, 2011, our project is a negative \$509,000. Looking at those numbers we won't have to pay for the performance audit, we will just be in fiscal emergency. When we talk about the performance audits, he doesn't know if anybody read any of the 271 audits that are on line, but there are some comparable ones to the City, about this size, and you look at the recommendations and they are all basically the same, it is a boiler plate. When you look at the people doing the audits, you know we've talked about professionals that are doing the audits, you look at the staff, they're interns, twenty-two year old interns, that are gathering data and then they punch it into this template. That is what you are paying \$30,000 to \$40,000 to do; and the rate was \$30,000 to \$80,000 depending on the size of the City. They do a lot of school systems, but you got to read those audits and see what they come out with. They come out with things like, renegotiate your contracts, give less sick days; we are at the State levels right now as far as sick days, we don't give extra sick days. Those are the things that you will find in those Performance Audits. But you have to read those to understand what is going on there. If you do a Performance Audit for Cuyahoga County or Cleveland Public School System, that are huge and enormous, yeah you can find a lot of things to save money with. When you are looking at a City this small, it is very hard, with a lot of the things that we have done in the past, to save what we need of

\$500,000, they are saying a one-time savings of \$500,000, they are not saying an annual savings; so you know, you got to look at those things and as you move forward, things are not getting cheaper. Two years ago, salt was \$30.00 a ton, now salt is \$67.00 a ton. Same thing with asphalt, The things that we buy, the commodities that we buy are doubling in price....they are not getting cheaper. Even if we freeze our wages, our commodities, our gasoline, it was a \$1.50 a gallon, three years ago, it went to \$4.00. We are getting a savings now of \$2.65 and we are putting measures in to even save more with some contracts that we have. But those are the things that don't change, we don't use less gas, we don't use less salt. We are going to be using less salt this year, we started in the middle of last year, but people didn't like that, people didn't like sliding on the street or they couldn't get out of their driveway. We are a service organization, we need to provide services, whether it be a crash on the highway, or disable vehicle, we are the ones called to that. We don't have a choice, we can't not respond. We're sending an ambulance out there, we're sending a fire truck, we're sending a policeman out there. We had three crashes in the last three days, that tied up everyone of our three policemen that were there and then he is on the freeway at 3:30 a.m. and the Chief comes in from home at 3:30 a.m. in the morning just because they need extra help. But those are things that go unrecognized. You don't know that he is out there at 3:00 in the morning, you need to be up here, you need to see what is happening up here, you need to come and spend some time with our Police Department, with our Fire Department and that is something that is not happening. You need to spend some time with our Finance Director, talk to him about this spread sheet, this spread sheet didn't just happen by magic. If nobody looks at it, you don't know that we are going to be \$509,000 in the hole next year and even more the next year and the next year if we keep going the way we are going. Just think about it. It is important. This is Willoughby Hills; you want to give a level of service that is unprecedented. This is not Wickliffe, or Willoughby, or Eastlake or Pepper Pike or any other City. People moved here for the services that they get for the reputation that is in Willoughby Hills and he thinks that you deserve to give it to them.

Councilman Reichelt stated that unfortunately the dialogue again has drifted off the topic of whether or not this goes to the voters and migrated into the financial arena which certainly merits good dialogue and good discussion, but probably not on this particular issue. But he can't help himself with one portion that he has to get and that is when we talked about the fact that there is a balanced budget for this year, that is only because of some drastic cuts that are unacceptable to the mainstream in this community. Most people would not have accepted the cuts that already have been made, if they even knew about them. Our job is going to be to express that between now and November; to let people know where we are at, what we have given up already, in order to make that balanced budget and have people understand this issue like we do; and so he wants to bring his comments to a close about the issue and come back to the purpose of this Ordinance which is to give the people the right to be the court; let them be the judicial review of this and the public opinion. It is not our decision, it is theirs and we are strictly voting on whether or not they are going to have the decision to make or not.

Roll Call: Fellow-yes, Fiebig-no, Germano-yes, Malecek-yes, Reichelt-yes, Somich-yes, Biro-yes
MOTION PASSES: 6/1

President Malecek declared that Ordinance No. 2010-27 has been adopted.

ORDINANCE NO. 2010-30

AN ORDINANCE AMENDING PART SEVEN – BUSINESS REGULATION CODE, CHAPTER 753 – MECHANICAL AMUSEMENT DEVICES AND GAME ROOMS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO, WITH RESPECT TO THE IMPOSITION OF A LICENSE TO OPERATE AN AMUSEMENT CENTER, A LICENSING FEE, AN AMUSEMENT TAX, REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Malecek stated that Ordinance No. 2010-30 would remain on First Reading.

Councilwomen Fellows questioned if this Ordinance was going to be placed in a Committee for further discussion. President Malecek responded that it was being addressed in the Rules and Legislation Committee right now and it may be but it is more of a legal issue.

NEW BUSINESS

- There was no new business was brought forth to Council.

FOR THE GOOD OF THE ORDER

- Councilman Somich announced the Lake County Heritage Festival will be held this Saturday and Sunday, July 24th and July 25th.
- Councilman Reichelt announced that Waterloo 7 Gallery, a relatively new business in town, will be hosting a fundraiser this Saturday, July 24th from 1:00 p.m. to 8:00 p.m. All proceeds will be donated to help a local artist suffering from breast cancer.

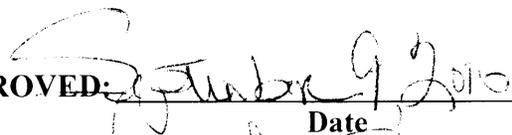
ADJOURNMENT

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

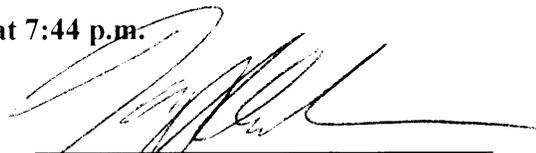
Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that this Meeting of Council is adjourned at 7:44 p.m.

APPROVED: 

 Date



Kevin D. Malecek
President of Council

ATTEST: 

Victoria Ann Savage, CMC
Clerk of Council