

City of Willoughby Hills

Regular Council Meeting

Minutes of July 28, 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 7:01 p.m. by President 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

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 COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to excuse Councilman Raymond C. Somich from attending the Regular Council Meeting of July 28, 2011.

Roll Call: 6 AYES **MOTION PASSES**

President Malecek stated that Councilman Raymond C. Somich has been excused from the Regular Council Meeting of July 28, 2011.

Disposition of the Journal Regular Council Meeting of May 26, 2011

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Fellows to approve the Minutes of the Regular Council Meeting of May 26, 2011 as submitted.

Roll Call: 6 AYES

President Malecek declared that the Regular Council Meeting Minutes of May 26, 2011 have been approved as submitted.

Correspondence

- City Engineer to Lake County General Health District, dated July 15, 2011 re: City of Willoughby Hills/Euclid Creek Tributary Watershed – Area “C” Sanitary Sewer Improvements/Notification of Service (Emailed: July 19, 2011)
- City Engineer to Ohio EPA, DEFA, dated July 15, 2011 re: Executed WPCLF Certification of Performance for Willoughby Hills Woodlands Sanitary & Pump Station Improvements, Loan #CS392705-01 (Emailed: July 25, 2011)
- Building Department to Administration and Members of Council, dated July 22, 2011 re: Sheriffs Sales in the City of Willoughby Hills (Emailed: July 25, 2011)

Notifications

- Planning and Zoning Commission & Architectural Board of Review Meeting of July 21, 2011 (Emailed: July 18, 2011)

Minutes

- Planning and Zoning Commission & Architectural Board of Review Meeting of June 2, 2011 (Emailed: July 15, 2011)
- Planning and Zoning Commission & Architectural Board of Review Meeting of June 16, 2011 (Emailed: July 15, 2011)
- Rules & Legislation Committee Meeting of July 14, 2011 (Emailed: July 25, 2011)
- Rules & Legislation Committee Meeting of July 25, 2011 (Emailed: July 26, 2011)

MAYOR'S REPORT – Robert M. Weger

- Reminder that Community Center is available to escape the heat
- City Hall and Fire Department – Painted by Service Department
- Sewer – Building and Service Departments anxious to work with Area C residents – letters sent out
- Two new Police Cars in service – result of income tax passage
- Two new Fire Vehicles (2012 Pickup Truck and Ford Explorer) forthcoming sometime in September
- Progress on Dodd Road Bridge
- Public Surplus – vehicles sold (\$7,600 each)
- Achieve Wellness Lake County Grant for \$1,000 received today to begin the City's Wellness Program for improvement in overall health of the workplace (helps to maintain our healthcare costs as the City renegotiates healthcare for employees)
- **Acknowledgements**
 - Thanks to the Safety Town Staff, including instructor Julie, Officers Jim Vitale and Taya Workum, Sgt. Mike Planisek, Lt. DiMattia, Recreation Staff Kelly Wright and Ann Fenoff for their work on a successful Safety Town
 - Thanks to Council for their hard work – wish them well during Recess
 - Thanks to baseball coaches, players and parents for a great season
- **Upcoming Events**
 - Community Flea Market (Campbell Park) – Saturday, August 20th
 - Community Touch-A-Truck (City Hall) – 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.

- No formal report was given.

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

- No formal report was given.

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

- Minor Restoration Issues left with Fabrizi contract
- Issued Letter of Acceptance to the Lake County General Health District who will send out notification letters to residents in Assessment Area "C" ordering them to connect
- All paperwork bonds, insurance, execution of contracts are done for both the Camerlot and Eddy Road Resurfacing Projects has been completed – Preconstruction Meeting at the end of next week to get both projects going

COMMITTEE REPORTS

FINANCE – Raymond C. Somich, Chair

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

- In the absence of Councilman Somich, President Malecek reported that the Finance Committee has not met; therefore no formal report was presented.

PLANNING & ZONING – David M. Fiebig, Chair

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

COMMITTEE MEETING JULY 25, 2011

Members Present: David M. Fiebig, Chair, Councilman Frank A. Germano, Vice President David A. Reichelt
Also Present: Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, President Kevin D. Malecek (arrived at 5:44 p.m.)
Planning Commission Members: Chair of the Planning Commission Charlotte Schryler, John Lillich, Madeline Smith, 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 5:36 p.m.

Order of Business

Master Plan. D.B. Hartt. Overall, no fundamental concerns or reservations, they are reasonable. With more detail, policy: organization, statistic, and editorial. His opinion, many ways to do this, not necessary across the board. Wind turbines, has this been thought through- what is the policy statement. Tree lines, example. Architectural – policy perspective. Big box, says prohibit, but what is the real concern and issues. Planned conservation CRWSP maps, down to the effects, are the maps clear, check for conflicts. Organizational changes: 2003 changes from this time, all in a single section. Perhaps, all ordinances and changes in that section. Now with track changes, issues that have been updated are no longer an issue or mentioned when it will be deleted. Now that we have accomplished it, make a statement of policy. Either move it somewhere else, or don't go into so much detail now, since accomplished. If promotional, then convey that separately, unless referring to statement of plans moving forward. "Adoption" of town center not required. If in the plan it is adopted. Some section should be the update since the last plan as a statement. Statistical: 199 to 175 why did this change? 60/40 error? 2010 census data. Table 6 in conflict with the pg 31 data. Map 9 not needed. Map 6 ignores commercial area. Editorial: Retail not commercial. Punch list of items. Pg 31 floodplain. **FIEBIG:** Any better way to do this update, No, this is fine, simple MP update, just be sure to incorporate policy issues going forward, **REICHELTL:** Concerned some tables and statistics aren't balanced. Pg 16 67 struck, now 70%. So where is the appropriate reduction? **HART:** Good historic document to show what happened, deleting sections can lose something and get the new info lost, confuse reader. **FIEBIG:** This should be policy issue, not so much history. **GERMANO:** Who should write clarifications? Should there be one person, can we designate someone? **HART:** You are fine to do it yourself, **MALECEK:** perhaps a smaller committee Council, maybe one or two commission members. Make it final. **REICHELTL:** Should they be those involved in the original. **Malecek:** Being a part of council is good since legislator. **R:** Ok to pass. **H:** Yes, if you're comfortable. As it is clearly understood, progress report mixed with implementation. Try accepting track changes to see the result, and be comfortable with the policy questions, and address big box and other issues. **R:** Perhaps weaken for legal defensible position by being vague. **Hart:** Don't leave out 12 different interpretations of "I agree".

Public Portion

Opened at 6:15 pm Charlotte Schryler: Wind- knows people with turbines, that's how it entered. Solar energy and policy is popping up. **LILLICH:** Opinion green, economical, scalable, this might be the direction and movement to put where the use should be and City should be prepared. **H:** Concern that overly restrictive. Better not adopt as is. **KOWALSKI:** Is fracking in there? What if the park wants to do this? Lots of water needed, does going down 10k does that affect my property? Water taken out of lake passed, that takes water from our river. Take regulations over to watershed. About wind and solar, Sweden did wind, saw it on TV, as soon as they did their entire machines are obsolete. Down at Science center has to turn at 31mph to produce and shuts down at 55mph. Put in something for everyone with a roof for solar. Remember cell towers, big box, don't blow out and don't do in a vacuum.

Closed at 6:24 pm.

Recommend small committee to revise with suggestions heretofore. Adjourn 6:25 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.
- **Chair Fellows stated that the Recreation Coordinators have approached her for they are getting a lot of inquiries pertaining to field usage by non-Willoughby Hills vendors for sporting events, mini camps, games & practices. This would include Willoughby Recreation & Girls League Soccer as well as Cornerstone Academy; also for football leagues that are not associated directly with WH. The Recreation Coordinators wanted to know what policies and fee structures were in place. Chair Fellows shared with the Recreation Coordinators that at this time the City did not have any, and that she would meet with the Mayor to further discuss the issue.**

RULES & LEGISLATION – Kevin D. Malecek, Chair

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

COMMITTEE MEETING JULY 25, 2011
<u>Members Present:</u> President Kevin D. Malecek, Chair, Councilman Frank A. Germano, Vice President David A. Reichelt
<u>Also Present:</u> Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilwoman Nancy E. Fellows, Mayor Robert M. Weger
<u>Purpose of the Meeting was to discuss Pending Legislation and any other business.</u>
Meeting convened at 6:07 p.m.
<i>Order of Business</i>
<u>Ordinance 2011-53:</u> Various Surplus Items for Sale Main thing is fire department material – yellow fire truck that is decommissioned, various other items – no longer of any value to the City. <u>Reichelt</u> – did we make sure old radios – digital radios using last year? We still have some old analog radios – make sure they are deactivated with the county. Consensus to waive Three Reading Rule and Adopt at Council on Thursday.
<u>Ordinance 2011-54:</u> Re-Appropriations for Safety Town Safety Town last week – good showing – 32 kids between the two classes – borrowed houses from Willoughby or Wickliffe. Willoughby’s this year because they were the same time. Save money – cost of storage. Out of 32 kids most residents? 75% were – three were our employees. Kids going into kindergarten. Consensus to waive Three Reading Rule and Adopt at Council on Thursday.
<i>Public Portion</i>
<i>The meeting was opened to the public and with no one coming forth from the public sector was promptly closed at 6:31 p.m.</i>
Meeting adjourned at 6:32p.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

COMMITTEE MEETING JULY 11, 2011
<u>Members Present:</u> Christopher L. Biro, Chair, Councilwoman Nancy E. Fellows, Councilman Frank A. Germano
<u>Also Present:</u> Councilman David M. Fiebig, President Kevin D. Malecek, Vice President David A. Reichelt, Councilman Raymond C. Somich, Mayor Robert M. Weger, City Engineer Richard J. Iafelice
<u>Purpose of the Meeting was to discuss (1) Camelot Court Improvements, (2) Eddy Road Improvements, (3) Capital Planning and any other business.</u>
Meeting convened at 6:15 p.m.
<i>Order of Business</i>
First order of business Rich Iafelice discussed Camelot Court Cul-de-sac Reconstruction. (Canterbury next year) -Winning bid came under by 10% totaling \$113,370.00 (\$150k budgeted) by Great Lakes Crushing

- Reconstruction will improve drainage
- Great Lakes competent contractor. Contract duration limited to 21days. Limited disturbance.

Second order of business **Eddy Road Repaving from SOM to Bishop.**

- Received OPWC Funding (50% \$250K) \$250k local share.
- Ronyak Bros. Paving winning bid at \$485k. Also competent contractor.
- Single pass recycling method utilized providing 6” base giving better product; eliminates base repair.
- Process cost \$50k more but providing longer surface life.
- Also utilizing Epoxy striping for longer life (4-5 yrs vs. 1yr for regular striping) \$8k more.

Finance Department approved \$58k extra costs.

Rich fielded questions from Ray Somich and Dave Reichelt about sewer project.

Public Portion

Public Portion was opened and with no one coming forth to speak, was promptly closed.

Meeting adjourned at 6:40 p.m.

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.

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 7:17 p.m.

1. Robert Kowalsky
2585 Timberline Drive
Re: Tax Increase/- 2% Tax Credit – 1.50%

Public Portion was closed at 7:20 p.m.

UNFINISHED BUSINESS

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

LEGISLATION

ORDINANCE NO. 2011-53

AN ORDINANCE TO DECLARE CITY VEHICLE(S) AND/OR EQUIPMENT AS SURPLUS PROPERTY AND GRANTING AUTHORIZATION TO SELL SAID SURPLUS VEHICLE(S) AND EQUIPMENT ON THE OPEN MARKET, UPON SUCH TERMS AND AT SUCH PRICES AS ARE DEEMED MOST ADVANTAGEOUS TO THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2011-53.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-53 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to adopt Ordinance No. 2011-53.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-53 has been adopted.

ORDINANCE NO. 2011-54

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 REICHELT, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2011-54.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-54 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to adopt Ordinance No. 2011-54.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-54 has been adopted.

NEW BUSINESS

- There was no new business brought forth to Council.

FOR THE GOOD OF THE ORDER

- President Malecek congratulated Councilman Somich on the upcoming nuptials of his daughter.
- Councilman Fiebig gave a shout-out to the Willoughby Hills Historical Society for hosting a fantastic picnic last evening, great attendance and great food, a very worthwhile organization here in our City. Excited to see that the WH Historical Society will be hosting a tour of Historical Homes in the City during Corn Fest.

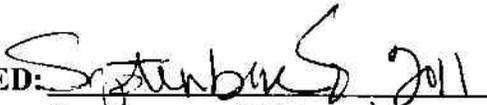
ADJOURNMENT

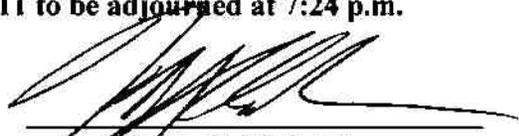
MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adjourn the Meeting.

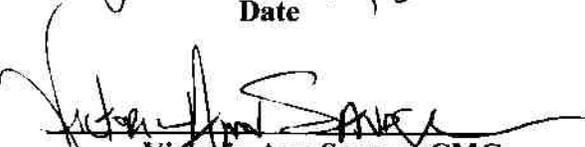
Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared the Regular Council Meeting of July 14, 2011 to be adjourned at 7:24 p.m.

APPROVED:  Date


Kevin D. Malecek
President of Council

ATTEST: 
Victoria Ann Savage, CMC
Clerk of Council