

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 June 11, 2009

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 Council

Pledge of Allegiance

Roll Call of Council

Members Present: President Kevin D. Malecek, Councilman Raymond C. Somich, Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano

Absent: Councilwoman Nancy E. Fellows, Vice President David A. Reichelt

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

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to excuse Councilman David A. Reichelt.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek declared that Councilman David A. Reichelt has been excused from the Regular Council Meeting of June 11, 2009.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to excuse Councilwoman Nancy E. Fellows.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek declared that Councilwoman Nancy E. Fellows has been excused from the Regular Council Meeting of June 11, 2009.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to appoint Councilman Christopher L. Biro to serve as Vice President of Council Pro-tem.

Roll Call: 4 AYES/with Councilman Biro abstaining

MOTION PASSES

President Malecek declared that Councilman Christopher L. Biro has been appointed to serve as Vice President of Council Pro-tem for the Regular Council Meeting of June 11, 2009.

Disposition of the Journal **Special Council Meeting of May 11, 2009**

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to approve the the Special Council Meeting Minutes of May 11, 2009 as submitted.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek declared that the Special Council Meeting Minutes of May 11, 2009 have been approved as submitted.

Correspondence

- **Email** from Robert Kowalsky to Willoughby Hills Council and the Mayor, dated May 28, 2009 re: Ordinance No. 2009-29 along with reply from President Malecek dated May 28, 2009
- Mayor's Monthly Statement to Council for May, 2009
- Thomas G. Lobe, Law Director to Ms. Sandra Curtis-Patrick, Assistant County Prosecutor/Office of the Prosecuting Attorney/City of Cleveland, dated June 2, 2009 pertaining to Objections for (4) Parcels and the Assessment Equalization Board Hearing of July 7, 2009 along with the Letter from Sandra Curtis-Patrick, Assistant County Prosecutor to Clerk of Council of Willoughby Hills, dated May 27, 2009 re: Objections to Assessments
- Joseph G. Mirtel, Finance Director to Mayor Weger, copied to all of Council, dated May 27, 2009 re: Economic Incentives
- City Engineer's Report for June 2009
- Richard Iafelice, City Engineer to Ohio Environmental Protection Agency – DEFA, dated June 5, 2009 re: City of Willoughby Hills Assessment Area "C" – General Plan Addendum No. 4; Amended Plans & Specifications; and PTI Additions/WPCLF Loan No. CS 392310-04
- **CLERK OF COUNCIL TO MEMBERS OF ASSESSMENT EQUALIZATION BOARD, DATED MAY 21, 2009**
- **LETTER FROM CITY OF WICKLIFFE, DATED JUNE 4, 2009 RE: RESOLUTION NO. 2009-10 – RECOGNIZING THE IMPORTANCE OF AREA LOCAL GOVERNMENTS WORKING TOGETHER TO FORM A UNIFIED COALITION AGAINST EXPANSION OF THE CUYAHOGA COUNTY AIRPORT**

Notifications

- Board of Building & Zoning Appeals Notification stating that the Board will not meet June 8th for no appeals were received
- Planning and Zoning Commission & Architectural Board of Review Meeting of June 4, 2009
- Recreation Commission Notification of Change in Time of the June 2nd Meeting
- Recreation Commission Special Meeting of June 9, 2009
- Rules and Legislation Committee Meeting of June 8, 2009
- Rules and Legislation Committee Meeting of June 22, 2009
- Service Committee Meeting of June 22, 2009
- Utilities Committee Meeting of June 11, 2009
- Willoughby Hills Seniors – Free Cardiovascular Screening scheduled for July 16, 2009

Minutes

- Planning and Zoning Committee & Architectural Board of Review Meeting of May 7, 2009
- **Rules and Legislation Committee Meeting of June 8, 2009**
- **Utilities Committee Meeting of June 11, 2009**

On File

- Roy Rushing of the Ohio Gas Association to Public Officials, Subject: OGA Member Companies Urge Public Officials to Champion Natural Gas Safety
- Willoughby Hills Senior Activity Pages for June 2009 – Issue Number 6
- Housing Research & Advocacy Center Newsletter for Spring 2009

MAYOR'S REPORT – Robert M. Weger

Mayor's Report consisted of the following topics:

- Assessment Area C Public Meetings – June 23rd and June 30th
- Notice for Assessment Area C Public Meetings
- Tentative Assessments for Assessment Area C
- IT/Dispatch Center Project Update
- Recreation Commission authorized funds for the creation of Bocce Courts
- Surplus City Vehicles

Acknowledgements

- WHISPER Volunteers

Events

- VFW – Torn & Tattered Flag Ceremony – June 14th
- Willoughby Hills Day at Lake County Captains Stadium scheduled for Flag Day, Sunday, June 14th
- Willoughby Hills Fall Corn Fest to be held on September 12th and 13th

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

- Status of Litigation

FINANCE DIRECTOR’S REPORT – Joseph G. Mirtel

- No Formal Report was given

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

- Referenced Status Report of June 2009
- Green Ridge Sanitary Sewer System – Preliminary Findings
- Assessment Equalization Hearing - Objection Process
- Drainage Grants/Federal Funding

COMMITTEE REPORTS

FINANCE – Raymond C. Somich, Chair

Committee Members: Nancy E. Fellows, David A. Reichelt

- The Finance Committee has not met; therefore no formal report was given.

PLANNING & ZONING – David A. Reichelt, Chair

Committee Members: David M. Fiebig, Frank A. Germano

- Councilman Reichelt was not present; therefore no formal report was given.

RECREATION – David M. Fiebig, 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 OF JUNE 8, 2009

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

Also Present: Councilman Christopher L. Biro

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

The meeting convened at 6:31 p.m.

Order of Business

Resolution No. 2009-12 – Placing Road Levy renewal on the November Ballot

Consensus of the Committee was to suspend the Three Reading Rule and Adopt at the Regular Council Meeting of June 11, 2009.

Ordinance No. 2009-52 – Public Records Policy

Consensus of the Committee was to suspend the Three Reading Rule and Adopt at the Regular Council Meeting of June 11, 2009.

Ordinance 2009-TBD – New contract with Gallagher Company – New municipal HVAC supplier

Consensus of the Committee was to approve in concept, suspend the Three Reading Rule and Adopt at the Regular Council Meeting of June 11, 2009. Clerk of Council will complete the Ordinance and distribute prior to the meeting.

Public Portion

Robert Kowalsky spoke on the cost of pages with public records requests and that 1145 should be on the ballot for consideration in November as well.

Meeting adjourned at 6:40 p.m.

SAFETY – David A. Reichelt, Chair

Committee Members: Christopher L. Biro, David M. Fiebig

- Councilman Reichelt was not present; therefore, no formal report was given.

SERVICE – Nancy E. Fellows, Chair

Committee Members: Christopher L. Biro, Frank A. Germano

- Councilwoman Fellows was not present; therefore no formal report was given.
- President Malecek announced that a Service Committee Meeting has been scheduled for June 22, 2009

UTILITIES – Frank A. Germano, Chair

Committee Members: Nancy E. Fellows, Raymond C. Somich

COMMITTEE MEETING OF JUNE 11, 2009

Members Present: Councilman Frank A. Germano, Chair, Councilman Raymond C. Somich

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, President Kevin D. Malecek, Mayor Robert M. Weger, Finance Director Joseph G. Mirtel, City Engineer Richard Iafelice, CT Consultants/Director of Support Services

Purpose of the Meeting was to discuss **New EPA Low Interest Loan Program for Sewer Connections** and any other business.

The meeting convened at 6:21 p.m.

Order of Business

The purpose of the meeting was to discuss a new EPA Loan Assistance Program designed to provide private individuals the ability to upgrade home sewerage treatment systems including lateral connections to municipal sewer at a low interest rate.

Questions:

How do you set a dollar amount for the loan?

Is the loan an assessment lien, payment to which identity?

Application fee?

Can a bank run the program?

Consensus of the Committee was to receive more information.

Public Portion was opened at 6:55 p.m. with the following individuals coming forth to state their comments and/or questions: Bob Kowalsky – are there grants for the sewer system?

Meeting adjourned at 7:00 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

- Councilman Biro spoke with respect to the formation of a Unified Coalition, the City of Wickliffe supports this formation as stated in its Resolution No. 2009-10.

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 7:35 p.m.

1. Joyce Grady
3020 Marcum Boulevard
Re: Speed Bumps
2. Murry Seldon
28846 Eddy Road
Re: Complimented Council on conducting business like meetings, professionally done; Who is in charge of the City's Fire Hydrants; Care and maintenance of open storm drains on private property mandated by City Ordinance
3. Robert Kowalsky
2585 Timberline Drive
Re: Funds 251 and 291; Formation of Coalition; Ordinance No. 2009-52 – What is Third Reading?; Meeting Minutes of the Washington, D.C. Meeting

Public Portion was closed at 7:44 p.m.

UNFINISHED BUSINESS

- Mayor Weger addressed the issue of the fire hydrants – by stating that the responsibility of the Fire Hydrants is actually that of the Lake County Utilities Department, they have left it up to the Cities to paint; however, the Mayor stated that he negotiated with the Lake County Department of Utilities to the Department of Utilities provide the paint for the fire hydrants. The City hired two local residents to sand and paint the hydrants.
- By and through the Federal Stimulus Program, the City has been provided with three workers to assist with work and projects within the City and they are to be paid by the County.

LEGISLATION

ORDINANCE NO. 2009-52 – THIRD READING

AN ORDINANCE ESTABLISHING AN OPEN RECORDS MISSION STATEMENT, A STATEMENT OF PRINCIPLES AND A PUBLIC RECORDS POLICY IN ACCORDANCE WITH OHIO'S PUBLIC RECORDS ACT TO PROMOTE OPEN AND ACCOUNTABLE GOVERNMENT.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Resolution No. 2009-52.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2009-52 has been adopted.

ORDINANCE NO. 2009-57

AN ORDINANCE ACCEPTING HVAC PREVENTATIVE MAINTENANCE PROPOSALS FOR MULTIPLE CITY FACILITIES AS SUBMITTED BY THE JOHN F. GALLAGHER CO., MECHANICAL CONTRACTORS OF EASTLAKE, OHIO AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-57.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-57 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to adopt Ordinance No. 2009-57.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2009-57 has been adopted.

RESOLUTION NO. 2009-12

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A REPLACEMENT OF AN EXISTING LEVY IN EXCESS OF THE TEN (10) MILL LIMITATION AT THE GENERAL ELECTION TO BE HELD NOVEMBER 3, 2009 FOR THE GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING, REPAIR OF STREETS, ROADS, BRIDGES, THE REPLACEMENT AND REPAIR OF NECESSARY ROAD EQUIPMENT AND MACHINERY INCLUDING BUT NOT LIMITED TO MATERIALS, LABOR AND FACILITIES IN THE CITY; AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY; AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE REPLACEMENT LEVY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2009-12.

Roll Call: 5AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Resolution No. 2009-12 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Resolution No. 2009-12.

Roll Call: 5AYES – unanimous

MOTION PASSES

President Malecek declared that Resolution No. 2009-12 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to declare the following items as surplus: two (2) prisoner cages, one (1) prisoner seat, three (3) equipment consoles, two (2) dual rifle/shotgun racks, six (6) equipment trunk trays, one (1) 911 Light Bar with the value of said items to be under \$1,000.

Roll Call: 5AYES – unanimous

MOTION PASSES

President Malecek declared that the above mentioned items have been declared as surplus.

FOR THE GOOD OF THE ORDER

- President Malecek congratulated Councilman Somich on his son's wedding.
- Councilman Somich announced Car Cruising events held within the City as well as the annual Car Cruising held in Willoughby.
- Councilman Fiebig congratulated all of this year's grads.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to adjourn until the next Regular Council Meeting.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek declared that Council is adjourned until the next Regular Council Meeting.

Meeting adjourned at 7:50 p.m.

APPROVED: _____
Date

Kevin D. Malecek
President of Council

ATTEST: _____
Victoria Ann Savage, CMC
Clerk of Council