

City of Willoughby Hills

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

Special Council Meeting Minutes of June 24, 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.

Due to the change in time, this meeting is being called to Order as a Special Meeting of Council.

5:30 p.m. Meeting of Council Called to Order by President Pro-tem David A. Reichelt

Pledge of Allegiance

Roll Call of Council

Members Present: Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, Vice-President David A. Reichelt

Absent: Councilman Christopher L. Biro, President Kevin D. Malecek, Councilman Raymond C. Somich, City Engineer Richard Iafelice

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

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to appoint Councilwoman Nancy E. Fellows to serve as Vice President Pro-tem for the Special Council Meeting of June 24, 2010.

Roll Call: 3 AYES – w/Councilwoman Fellows abstaining

MOTION PASSES

President Pro-tem Reichelt stated that Councilwoman Fellows has been appointed to serve as Vice President Pro-tem for this evening's meeting.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to excuse Councilman Raymond C. Somich from the Special Council Meeting of June 24, 2010.

Roll Call: 4 AYES – unanimous

MOTION PASSES

President Pro-tem Reichelt stated that Councilman Raymond C. Somich has been excused from attending this evening's meeting.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to excuse President of Council Kevin D. Malecek from the Special Council Meeting of June 24, 2010.

Roll Call: 4 AYES – unanimous

MOTION PASSES

President Pro-tem Reichelt stated that President of Council Kevin D. Malecek has been excused from attending this evening's meeting.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Germano to excuse Councilman Christopher L. Biro from the Special Council Meeting of June 24, 2010.

Roll Call: 4 AYES – unanimous

MOTION PASSES

President Pro-tem Reichelt stated that Councilman Christopher L. Biro has been excused from attending this evening's meeting.

Correspondence

- Mayor's Monthly Statement to Council for May 2010 (Emailed: June 2, 2010)
- Email: Assistant Finance Director Debbie Doles to Members of Council, dated June 2, 2010, **Subject: Financial Reports for the Month of May 2010, consisting of: Purchase Orders, Cash Reconciliation, Fund Change Analysis, Bank Report, Fund Reports (MTD and YTD), Current Expense Report and Revenue Report**
- Letter from Bill Guarino to City Council, dated June 3, 2010 re: Concerns pertaining to Sanitary Sewer System and the City's Water Table (Emailed: June 3, 2010)
- Email received from Rally Team, dated June 4, 2010 re: Great Breaking News! (Emailed: June 7, 2010)
- Letter from Administration to Council and Board Members, dated June 11, 2010 re: Grand Opening of New Business (Emailed: June 16, 2010)
- Sheriffs Sales in the City of Willoughby Hills, dated June 16, 2010 (Emailed: June 17, 2010)
- City Engineer's Report for June 2010

Notifications

- Board of Building and Zoning Appeals will not meet for their regularly scheduled meeting on June 8, 2010; no appeals were received (Emailed: June 1, 2010)
- Regular Council Meeting of June 10th has been cancelled
- Cuyahoga County Airport Noise Abatement Council Notification of Meeting to be held June 30, 2010 (Emailed: June 7, 2010)
- Finance Committee Meeting of June 16, 2010 (Emailed: June 2, 2010)
- Finance Committee Meeting of June 16, 2010 – **Time Change** (Emailed: June 9, 2010)
- Planning & Zoning Commission and Architectural Board of Review Meeting of June 3, 2010 (Emailed: May 28, 2010)
- Planning & Zoning Committee Meeting of June 17, 2010 (Emailed: June 15, 2010)
- **Regular Council Meeting of June 24, 2010 being held as Special Meeting of Council due to Time Change**
- Rules & Legislation Committee Meeting of June 21, 2010 (Emailed: June 17, 2010)
- Safety Committee Meeting of June 21, 2010 (Emailed: June 17, 2010)
- Special Council Meeting of June 7, 2010 (Emailed: June 3, 2010)
- Working Committee of Council Meeting of June 11, 2010 – Held in Washington, D.C.

Minutes

- Planning & Zoning Commission and Architectural Board of Review Meeting of May 6, 2010 (Emailed: June 10, 2010)
- Planning & Zoning Commission and Architectural Board of Review Meeting of May 20, 2010 (Emailed: June 17, 2010)
- Recreation Commission Meeting of March 29, 2010 (Emailed: June 2, 2010)
- **Rules and Legislation Committee Meeting of June 21, 2010 (Emailed: June 22, 2010)**
- **Safety Committee Meeting of June 21, 2010**

On File

- Willoughby Hills Veterans Memorial Commission to Fire Chief Richard Harmon, dated June 6, 2010 re: Thank You
- The Housing Research & Advocacy Center, dated May 7, 2010 re: State of Fair Housing in Northeast Ohio: April 2010

MAYOR'S REPORT – Robert M. Weger

- Thanked everyone who attended the WH Captain's Day at Classic Park
- Announced that the City received two NOPEC Energy Conservation Grants one Grant in the amount of \$15,000 for the Grange and the other in the amount of \$94,000 to replace the HVAC System in City Hall
- Maple Grove Slope Failure
- Stark Drive Pump Station/Improvement of Area
- Wright Place – Under Construction
- Gale's Farm Market
- National College – Official Opening
- Get Well sent out to Peter Kamis and Bernie Digman
- Business of the Month – Kevin Fryer, D.D.S.
- National College – Military/Veteran Events
- Referenced Lake County News Herald Article (WH Tax Rate) – Ordinance No. 2010-27 - Raise in Income Tax to 2%
- Save the Dates:
 - Week of July 19 – 23**
Safety Town
 - 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 28st**
Touch-A-Truck from 10:00 a.m. to 2:00 p.m.
 - October 9th**
Craft Fair – WH Community Center from 9:00 a.m. to 4:00 p.m.

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

- Status of Litigation: Newman vs. The City of Willoughby Hills; Matter of Lake County Common Pleas Court before Judge Gibson

FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel

- No formal report was given.

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

- City Engineer Iafelice was absent; therefore no formal report was given.

FINANCE – Raymond C. Somich, Chair

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

- Councilman Somich was absent; therefore no formal report was given.

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.
- No Recreation Commission Activity – Meeting was not held due to lack of a quorum

RULES & LEGISLATION – Kevin D. Malecek, Chair

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

- In the absence of Chair Malecek report was given by President Pro-tem Reichelt

COMMITTEE MEETING JUNE 21, 2010

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

Also Present: Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, 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 6:50 p.m.

Order of Business

Ordinance 2010-23: Sewer Connections and Inspections

Will go through Utilities Committee – Director of Public Service – never heard that title – Safety/Service Director. **Will remain on Second Reading.**

Ordinance 2010-24: Tax Budget

Hearing at 7pm on Thursday

Will remain on Second Reading.

Ordinance 2010-25: Burrier Service HVAC Bid

Rebid HVAC – vote it down on Thursday – the contract is no longer valid due to the rebid.

Consensus to reject at Council meeting on Thursday.

Ordinance 2010-26: Fund Transfers

Will remain on First Reading.

Ordinance 2010-27: Income Tax Adjustment for Safety Forces

Finance Committee will be having another meeting regarding this.

Will remain on First Reading.

Public Portion - Opened at 6:57pm

Linda Fulton – Channel 12 – you are doing an excellent job. Wouldn't know when the meetings are. What happened with the FAA meeting?

Frank Cihula – what about the Sun report about the firefighting at Cuyahoga County Airport and the fact it is not under the FAA jurisdiction any longer?

Robert Kowalsky – did the amount change on the rebid? The amount estimated – changed – approximately \$170 – also on your spec – is a problem – says balancing the bid didn't have any balancer in there. How does that work? If he doesn't have someone that has the specs? Weger – inconsistent – decided to go back to rebid – bonding issue. Kowalsky – talk to the chiller and to the boilers – what was the make on the boiler? Weger – BCI controls versus Honeywell. Kowalsky – getting back to the balancing – have the guy install it – go look at see if the dampers are out. If you get the equipment wrong – we see the bids – separate thing for balancing. Still stays private – not chump change – not telling them what you want – separate company not to balance it. Could have been a Taiwan piece – and more. I need a balance report – if you don't have a balance report – with all the years you've done it.

Meeting adjourned at 7:05 p.m.

SAFETY – David A. Reichelt, Chair

Committee Members:

Christopher L. Biro, David M. Fiebig

COMMITTEE MEETING JUNE 21, 2010

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

Also Present: Councilwoman Nancy E. Fellows, Councilman Frank A. Germano, President Kevin D. Malecek, Mayor Robert M. Weger, Law Director Thomas G. Lobe, Sergeant Michael Planisek

Purpose of the Meeting was to discuss Feasibility of Using Unmanned Traffic Cameras for the Purpose of Speed Law Enforcement and any other business.

Meeting convened at 6:05 p.m.

Order of Business

The Mayor, Chief of Police, and I were given a presentation by a company that does this sort of thing for Municipalities throughout the Country and it is very popular with them. The Committee asked the company for

references and since the meeting we have been provided with them, so we will be following up on that. Another result of the meeting was that we will need to do some research and refinement of the contract that was proposed by the company and that will be done through the Law Director's Office. The consensus of the Committee was that the devices are viable and that we should proceed with further consideration of that system.

Public Portion – Opened at 6:34 p.m. and was closed at 6:42 p.m.

Meeting adjourned at 6:50 p.m.

SERVICE – Christopher L. Biro, Chair

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

- Councilman Biro was absent; 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.

PERSONNEL RELATIONS – Christopher L. Biro, Chair

Committee Members: Raymond C. Somich, Mayor Robert M. Weger

- Councilman Biro was absent; therefore no formal report was given.

WORKING COMMITTEE OF COUNCIL – Kevin D. Malecek, President of Council

- President Pro-tem Reichelt reported that the Working Committee of Council Meeting met with the FAA Representatives in Washington, D.C. on Friday, June 11th; minutes will be forth coming.

OTHER COUNCIL REPRESENTATIVE REPORTS

- There were no other reports given.
- **President Pro-tem Reichelt stated that the Noise Abatement Council of the Cuyahoga County Airport will convene at June 30, 2010 at 10:00 a.m. at the Cuyahoga County Administration Building. Due to a scheduling conflict President Pro-tem Reichelt who serves as Chair will be unable to attend.**

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 5:54 p.m. and with no one coming forth from the public sector, Public Portion was closed at 5:55 p.m.

UNFINISHED BUSINESS

- There was no unfinished business brought forth.

LEGISLATION

ORDINANCE NO. 2010-23 – SECOND READING

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 921 – CENTRAL SANITARY SEWERS, SECTION 921.01 – RULES FOR HOUSE SERVICE CONNECTIONS, SUB-SECTIONS (m), (n), and (o); REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Pro-tem Reichelt stated that Ordinance No. 2010-23 will remain on Second Reading.

ORDINANCE NO. 2010-24 – SECOND READING

AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR JANUARY 1, 2011 TO DECEMBER 31, 2011 FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

President Pro-tem Reichelt stated that Ordinance No. 2010-24 will remain on Second Reading.

ORDINANCE NO. 2010-25 – SECOND READING

AN ORDINANCE ACCEPTING THE BID OF BURRIER SERVICE COMPANY, INC. FOR THE REPLACEMENT OF A HVAC SYSTEM AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2010-25.

Roll Call: 4 AYES

MOTION PASSES

President Pro-tem Reichelt stated that the Three Reading Rule for Ordinance No. 2010-25 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Ordinance No. 2010-25.

Law Director stated for the record that the Mayor has gone out and rebid this, there were some issues on all of the bids received; timeliness, bonding issues and that upon further consideration it was decided to proceed with new bids and therefore this is just a matter of housekeeping because this Ordinance did have a number as opposed to “Tabling it” that we are proceeding and it would be our desire, at least from an Administrative side, for house cleaning, that even for the “Councilmatic” Record, that the Members of Council vote this matter down.

Roll Call: Fellows – yes; Councilman Fellows then requested to rescind her vote and voted no,
Fiebig – no, Germano – no, Reichelt – no
4 - NAYS

MOTION FAILS

President Pro-tem Reichelt stated that Ordinance No. 2010-25 has been rejected.

ORDINANCE NO. 2010-26

AN ORDINANCE AMENDING ORDINANCE NO. 2010-12 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Pro-tem Reichelt stated that Ordinance No. 2010-26 will remain on First Reading.

ORDINANCE NO. 2010-27

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.

President Pro-tem Reichelt stated that Ordinance No. 2010-27 will remain on First Reading.

NEW BUSINESS

- Councilman Fiebig questioned if Ordinance No. 2010-27 would be referred to the Finance Committee for further review. President Pro-tem Reichelt stated yes, for the record, Ordinance No. 2010-27 has been referred to the Finance Committee for further discussion.

FOR THE GOOD OF THE ORDER

- President Pro-tem Reichelt reminded everyone to watch Channel 12 and the Website to see what comes up!

ADJOURNMENT

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

Roll Call: 4 AYES – unanimous

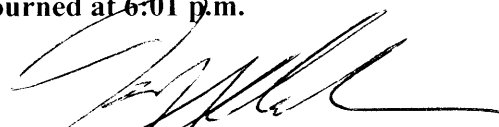
MOTION PASSES

President Pro-tem Reichelt declared that this Meeting of Council is adjourned at 6:01 p.m.

APPROVED:

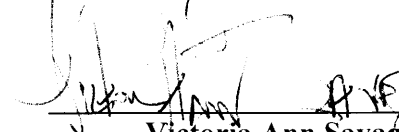


Date



Kevin D. Malecek
President of Council

ATTEST:



Victoria Ann Savage, CMC
Clerk of Council