

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of June 9, 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 Pro-tem David A. Reichelt*

#### *Pledge of Allegiance*

#### **Roll Call of Council**

**Members Present:** Councilman Raymond C. Somich, Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, Vice President David A. Reichelt

**Absent:** President Kevin D. Malecek

**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 SOMICH**, seconded by Councilwoman Fellows to excuse President Kevin D. Malecek from attending the Regular Council Meeting of June 9, 2011.

**Roll Call: 6 AYES** **MOTION PASSES**

**President Pro-tem Reichelt stated that President Kevin D. Malecek has been excused from the Regular Council Meeting of June 9, 2011.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilwoman Fellows to nominate Councilman Biro to serve as Vice President Pro-tem for the Regular Council Meeting of June 9, 2011.

**Roll Call: Somich-yes, Biro-abstain, Fellows-yes, Fiebig-yes, Germano-yes, Reichelt-yes**

**MOTION PASSES: 5 AYES; 1 ABSTENTION**

**President Pro-tem Reichelt stated that Councilman Biro will serve as our Vice President Pro-tem for this evening's meeting.**

#### **Disposition of the Journal Regular Council Meeting of April 14, 2011**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Somich to approve the Regular Council Meeting Minutes of April 14, 2011.

**Roll Call: Somich-abstain, Biro-yes, Fellows-abstain, Fiebig-yes, Germano-yes, Reichelt-yes**

**MOTION PASSES: 4 AYES; 2 ABSTENTIONS**

**President Pro-tem Reichelt stated that Regular Council Meeting Minutes of April 14, 2011 have been approved as submitted.**

**Councilman Biro requested a point of clarification. Councilman Biro questioned if it was true that if the Members of Council who were absent for the meeting, read the minutes and accepted them, they could vote**

yes. The Law Director responded by saying that there is a debate on it and the established preference is to abstain.

### Regular Council Meeting of April 28, 2011

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of April 28, 2011.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Pro-tem Reichelt stated that Regular Council Meeting Minutes of April 28, 2011 have been approved as submitted.**

#### ***Correspondence***

- City Engineer's Status Report for June 2011 (Emailed: June 3, 2011)

#### ***Notifications***

- Board of Building and Zoning Appeals of the City of Willoughby Hills Meeting of June 14, 2011 re: Case No. 2011-2 (Emailed: June 6, 2011)
- Cuyahoga County Airport/Noise Abatement Council, dated June 1, 2011 re: Noise Abatement Council (NAC) Meeting scheduled for June 29, 2011 at 10:00 a.m. (Emailed: June 2, 2011)
- Lake County Farm Bureau, Inc., dated May 26, 2011 re: Farm Bureau Policy Development Meeting, June 13, 2011 (Emailed: June 2, 2011)
- Planning and Zoning Commission & Architectural Board of Review Meeting of June 2, 2011 (Emailed: May 27, 2011)
- Public Meeting Sanitary Sewer Installation Workshop scheduled for June 14, 2011 (Emailed: June 2, 2011)
- Rules & Legislation Committee Meeting of June 6, 2011 (Emailed: June 2, 2011)
- Utilities Committee Meeting of June 6, 2011 (Emailed: June 2, 2011)
- Utilities Committee Meeting of June 9, 2011 (Emailed: June 6, 2011)

#### ***Minutes***

- Rules and Legislation Committee Minutes of June 6, 2011 (Emailed: June 7, 2011)

#### ***On File***

- Willoughby Hills Senior Center Activity Pages for June 2011, Issue Number 6
- City of Willoughby Hills Spring/Summer 2011 News Letter

#### **MAYOR'S REPORT – Robert M. Weger**

- Assessment Area "C" Sewer Workshop Meeting – June 14, 2011 – CT Consultants Representatives, Registered Contractors will be on hand as well as Banking Representatives for financing options
- Lake County Utilities Department is starting to paint the City's fire hydrants; in the process of flushing the fire hydrants to insure that they are working properly
- Community Center Rentals – all four rooms are rented through September, every weekend

- **Acknowledgements**

Welcomed Anne Fenoff – new Part-time Recreation Coordinator

Welcomed Tom Abate – new City Mechanic; comes to the City with over 20 years of experience, comes from Pat O'Brien Chevrolet and the former proprietor of that establishment

Congratulations to Captain Sandy Lesko for 20 years of service

Congratulations to South High Baseball Team – Fine Season

Condolences – Al Brichford Family and to the John Roddy Family

Happy Father's Day – June 19<sup>th</sup>

- **Upcoming Events**

United Way – Day of Caring – Wednesday, June 22<sup>nd</sup> – Volunteers welcomed! City Council is invited to help with the projects, would appreciate any time that the Members of Council could put in

Mayor will be closing City Hall on Wednesday, June 22<sup>nd</sup> to support United Way Day of Caring and to create some camaraderie amongst the City Hall Staff –Projects to be done within the City have been selected

Safety Town – applications now being taken for children entering Kindergarten – to be held July 18<sup>th</sup> – 22<sup>nd</sup>

Corn Fest – September 10<sup>th</sup> and 11<sup>th</sup> – 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.**

- Status of litigation: Brown vs. The City of Willoughby Hills and two Police Officers
- Litigation filed in Federal Court for injuries sustained as result from some activities of the WH Police/ strong defense and presenting a denial of all claims

**FINANCE DIRECTOR’S REPORT – Frank J. Brichacek, Jr.**

- No formal report was given.

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

- June 13<sup>th</sup> – Important Meeting with Utilities – Finalizing Assessment Costs – Costs are coming in at least 10% lower than the Tentative Assessments – those figures will be reviewed in detail with the Committee on Monday evening
- Lamplight Lane Project is targeted for re-application to the Ohio Public Works Commission (OPWC) – application is due the 17<sup>th</sup> of June; trying to expedite the study and the analysis, in the interest in trying to advise Council, there is not enough time to advise Council, expect to have some estimates mid-week, will be reviewed with the Mayor and will file the pre-application, a copy will be provided to Council. This is to help mitigate the flooding in adding some water quality enhancement features between the 271 and Lamplight Lane, trying to get State Dollars and Lake County Stormwater Management Dollars to help assist in funding the project
- Requesting a Motion from Council to advertise for Eddy Road Drainage and Roadway Improvements as well as Camelot Court; plans are done and ready to advertise

**COMMITTEE REPORTS**

**FINANCE – Raymond C. Somich, Chair**

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

- The Finance Committee has not met; therefore no formal report was given.
- Announced that a Finance Committee Meeting will be scheduled for Monday, June 13<sup>th</sup> at 6:00 p.m. to review the Financial Reports

**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**

- President Pro-tem Reichelt presented the minutes of the Rules and Legislation Committee Meeting held on June 6, 2011.

**COMMITTEE MEETING JUNE 6, 2011**

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

**Also Present: Councilman Raymond C. Somich**

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

Meeting convened at 6:56 p.m.
<i>Order of Business</i>
<b><u>Ordinance 2011-32:</u> Sewer Rate Ordinance – Third Reading, up for Adoption. Recommended for Adoption by the Utilities Committee.</b>
<b><u>Ordinance 2011-37:</u> Surplus Vehicle Designation Three vehicles – as a component of the motion adopted by Council last week.</b>
<b>Consensus to recommend Three Reading Rule and Adopt at Council at Thursday’s meeting.</b>
<i>Public Portion</i>
The meeting was opened to the public for commentary; no one came forth.
Meeting adjourned at 7:00p.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**

<b>COMMITTEE MEETING JUNE 9, 2011</b>
<b><u>Members Present:</u> Councilman Frank A. Germano, Chair, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich (arrived at 6:25 p.m.)</b>
<b><u>Also Present:</u> Councilman Christopher L. Biro, Councilman David M. Fiebig (arrived at 6:50 p.m.); Mayor Robert M. Weger, City Engineer Richard Iafelice, City of Euclid Representative Phillip W. Kiefer, P.E.</b>
<b><u>Purpose of the Meeting was to discuss Presentation: City of Euclid Sewer Study and any other business.</u></b>
Meeting convened at 5:36 p.m.
<i>Order of Business</i>
<ul style="list-style-type: none"> <li>• Presentation of Euclid Sewer Study for CSO/SSO Control Plan</li> <li>• CSO – Combined Sewer Overflows and SSO – Sanitary Sewer Overflows</li> <li>• Overview/History</li> <li>• Cost 54 mill; submitted to EPA, to date not approved – possible higher cost</li> <li>• Euclid Sewer Rate is the lowest</li> <li>• Treatment Plant Cost will effect Willoughby Hills</li> <li>• Increase of 7.75 initial increase as of January 2012</li> </ul>
<i>Public Portion</i>
The meeting was opened to the public for commentary at 6:20 p.m. Joyce Grady: Did we know there are problems in Euclid; part of City affordability; cost of sewer water treatment Bob Kowalsky: Rate based on flow/water consumption, meter rate Cheryl: Thought we’re paying third of total
<b>The Committee recommended the adoption of <u>Ordinance No. 2011-32</u> – Sewer Rate Increase</b>
Meeting adjourned at 6:35 p.m.

**PERSONNEL RELATIONS – Christopher L. Biro, Chair**

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

- The Personnel 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 7:19 p.m.**

1. Joyce Grady  
3020 Marcum Boulevard  
Re: Thanked Council, the Mayor and Engineer for the presentation

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

## **UNFINISHED BUSINESS**

- There was no unfinished business brought forth for the consideration of Council

## **LEGISLATION**

### **ORDINANCE NO. 2011-32 – THIRD READING**

**AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES, AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 923 – SEWER RATES, SECTION 923.01 – SEWER RATE CHARGES ESTABLISHED, SUBSECTION (c) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to adopt Ordinance No. 2011-32.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Pro-tem Reichelt stated that Ordinance No. 2011-32 has been adopted.**

### **ORDINANCE NO. 2011-37**

**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.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2011-37.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Pro-tem Reichelt stated that the Three Reading Rule for Ordinance No. 2011-37 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to adopt Ordinance No. 2011-37.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Pro-tem Reichelt stated that Ordinance No. 2011-37 has been adopted.**

**NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Somich to authorize the City Engineer to advertise for bids for the Eddy Road Drainage and Roadway Improvements Project.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Pro-tem Reichelt stated that City Engineer is hereby authorized to advertise for bids for the Eddy Road Drainage and Roadway Improvements Projects.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Fiebig to authorize the City Engineer to advertise for bids for the Camelot court Improvements Project.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Pro-tem Reichelt stated that the City Engineer is hereby authorized to advertise for bids for the Camelot Court Improvements Project.**

**FOR THE GOOD OF THE ORDER**

- Councilman Somich announced the following events:  
 Michael Herpy launched a two month, 2,000 mile trip to Wyoming to raise funds and awareness for housing in Guatemala – congratulations and best wishes to Michael Herpy one of our City residents  
 Laketran – National Drop the Pump Day – Thursday, June 16<sup>th</sup> - urging all community residents to take Laketran that day  
 Lake County Captains hosting a Race and Run on Saturday Morning June 18<sup>th</sup> at 9:00 a.m. For more information contact the Captains. This is a fund raiser for Captains Charities  
 Pat O'Brien Chevrolet is hosting their annual run for leukemia on Sunday, June 26<sup>th</sup> - starting at 11:00 a.m. For more information on this event contact Pat O'Brien Chevrolet
- Councilman Biro announced that Nick Williams made it to State Finals in Track
- Mayor Weger announced that this Saturday is Shred Day in Willoughby Hills – there will be a shredding truck in front of City Hall from 9:00 a.m. to 12 Noon - free to WH residents
- Councilman Fiebig wanted to mention that Tuesday, June 7th is Flag Day – So fly your flag in Willoughby Hills!

**ADJOURNMENT**

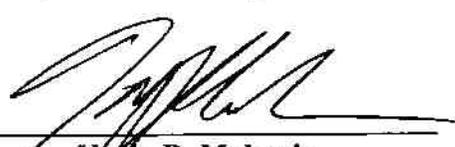
**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to adjourn the Meeting.

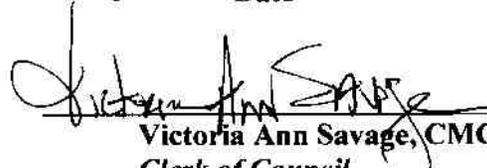
**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared the Regular Council Meeting of June 9, 2011 to be adjourned at 7:24 p.m.**

APPROVED: September 9, 2011  
Date

  
Kevin D. Malecek  
President of Council

ATTEST:   
Victoria Ann Savage, CMC  
Clerk of Council