

City of Willoughby Hills

Regular Council Meeting

Minutes of May 12, 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 of Council Kevin D. Malecek

Pledge of Allegiance

Roll Call of Council

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

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

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

President Malecek stated that the Regular Council Meeting Minutes of April 14, 2011 will be considered at the next Regular Council Meeting.

Correspondence

- City Engineer's Status Report for May 2011 (Emailed: May 4, 2011)
- Financial Reports for the Month Ending April 2011 consisting of: General Fund Income Statement, Cash Reconciliation, Purchase Order Reports, Fund Analysis Reports, and Expense Reports (Emailed: May 6, 2011)
- Mayor Robert M. Weger to Council Members, Council Clerk, dated April 7, 2011 re: City of Willoughby Hills Independent Performance Audit Task Force Report

Notifications

- Personnel Relations Committee Meeting of May 2, 2011 (Emailed: April 28, 2011)
- Cancellation of the Planning and Zoning Commission & Architectural Board of Review Meeting of May 5, 2011 (Emailed: May 2, 2011)
- Recreation Commission Meeting of May 2, 2011 (Emailed: April 28, 2011)
- Rules & Legislation Committee Meeting of May 9, 2011 (Emailed: May 4, 2011)
- Service Committee Meeting of May 2, 2011 (Emailed: April 28, 2011)
- Utilities Committee Meeting of May 9, 2011 (Emailed: May 4, 2011)

Minutes

- Personnel Relations Committee Meeting of May 2, 2011 (Emailed: May 4, 2011)
- Planning & Zoning Commission & Architectural Board of Review Meeting of April 7, 2011 (Emailed: May 2, 2011)
- Rules and Legislation Committee Minutes of May 9, 2011 (Emailed: May 10, 2011)
- Service Committee Meeting of May 2, 2011 (Emailed: May 4, 2011)

On File

- Willoughby Hills Senior Center Activity Pages for May 2011 – Issue Number 5

MAYOR'S REPORT – Robert M. Weger

- Assessment Area “C” Sewer Construction Update/Restoration Activities – Final Completion Date in June
- Police Physical Exam scheduled for Saturday, May 14 and Sunday, May 15
- Police Chief and Secretary – Office Completion
- City Newsletter forthcoming within the next week to two weeks
- City Hall Brush Pile – still collecting brush behind City Hall; we are not grinding it into mulch anymore due to EPA regulations. The City is trying to change that with some different permits, but right now the outlook isn't very promising for that because of the location and where we are in proximity to tributaries that flow into the Chagrin River
- State Auditors in the final stage of the 2010 audit; should be done sometime in mid-June and the City should be receiving a report by late June
- **Acknowledgements**
 - Welcome to Joy Totodo – new Finance Assistant/Deputy Clerk
 - Congratulations to Janeen Mullin – Upon Peg Morgan retirement, Janeen was appointed Clerk of Court
 - Residents Mike Sivo and Laura Surovi-Sivo on their successful Kentucky Derby “showing” with their horse Mucho Macho Man; finished in Third Place
 - Resident Tom Talcott, serving as the City's part-time Fire Assistant – retired May 2nd from Mentor Fire Department as Deputy Chief
 - Resident Ray Russ and the Willoughby South Rebels Baseball Team on their successful season
 - All graduating seniors and scholarship recipients
- **Police Department Activity**
 - WHPD & Detective Bureau – murder investigation is ongoing; case is being schedule for the Lake County Grand Jury
 - Chase Bank Robby – FBI has notified the City that a suspect has been arrested – responsible for several robberies in the area
 - Received a check in the amount of \$22,900 from the Asset/Forfeiture Sharing Program – Northern Ohio Law Enforcement Task Force; previously received a check in the amount of \$46,348. To date the City has received \$69,249
- **Upcoming Events**
 - Captains Day at Classic Park – Sunday, June 5th, 1:00 p.m. – all tickets are \$5.00
 - United Way – Day of Caring – Wednesday, June 22nd – Volunteers welcomed!
 - Safety Town – applications now being taken for children entering Kindergarten – to be held July 18th – 22nd
 - 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; rather an acknowledgment of some of the City Departments. Law Director Lobe stated that he had spoken with the Auditors today, and they are absolutely thrilled with the type of reports that they get, the timing of the reports, everything is given to them; the Auditors are planning on getting done with their report on time and on schedule. Law Director Lobe stated that there are no major issues, looking to see a pretty good audit. It is just a real pleasure not to be “drilled” with questions pertaining to why the City can't find or produce information. Again, a pleasure and a complete turnaround as compared to years past. Law Director feels that the audit will be good due to the efforts of the Finance Director and the Finance Department staff.
- Law Director Lobe wanted to mention and acknowledge the good work being done by the Police Department. Directives are being followed; cases are proceeding smoothly. A real pleasure to go into the Police Department and see things move forward on serious issues. From the Chief to the Administrative Staff, the Detectives, and even the Patrolmen, they are doing a good job.

- Kudos go to the Finance Department and to the Police Department.

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

- No formal report – just mentioned that the Financial Reports were distributed for the Month Ending April 2011
- Thanked Law Director Lobe for the kind comments

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

- Referenced Status Report for May 2011
- Sewer Rate Ordinance, Deduct Meter Ordinance and an Ordinance to accept a Preliminary Plat on the Agenda this evening
- Weather is delaying the Restoration efforts in Sanitary Sewer Assessment Area "C"; seed and soil are being washed away; expect a delay due to weather conditions – these delays should not cost the City, not looking for and claim on the part of the contractor at least at this point; however, will have to be monitored
- Begin routine, regular meetings with the Service Department to help organize, strategize a Sewer System Maintenance Program; recommends cleaning the major interceptor sewer, put into service in 2004 – it has not been cleaned and the recommendations in the manual is to try to clean every five years, every sewer
- Announced that he does not have agenda items for the Service Committee that was book-marked for the 16th; he is not prepared for additional items for the Service Committee.

President Malecek stated that the Service Committee was slated to meet on Monday, May 23rd.

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 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

COMMITTEE MEETING MAY 11, 2011

Members Present: President Kevin D. Malecek, Chair, Councilman Frank A. Germano, Vice President 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 6:08 p.m.

Order of Business

Ordinance 2011-20: Installation of Sewer Deduct Meter for Gale's Garden Center

To be resolved and a recommendation come forth from the Utilities Committee Meeting proceeding Rules Meeting.

Ordinance 2011-29: Final Purchase of Two Police Cars/Dodge Chargers

Recommendation of the Committee to waive the Three Reading Rule and Adopt at Council on Thursday.

Ordinance 2011-30: Road Salt Purchase for 2011-2012

Recommendation of the committee to waive the Three Reading Rule and Adopt at Council on Thursday.

Ordinance 2011-31: Adoption of Amended Salary Ranges for 2011

Discussed in the Personnel Relations Meeting – recommendation from that Committee to move legislation forward.

Recommendation of the Committee to Waive the Three Reading Rule and Adopt at Council on Thursday.

Ordinance 2011-32: Setting of Sewer Rates for 2011

To be resolved and a recommendation come forth from the Utilities Committee Meeting proceeding Rules Meeting.

Resolution 2011-1: Approval of Preliminary Plat for Maple Valley Subdivision

Recommendation of the Committee to Waive the Three Reading Rule and Adopt at Council on Thursday. However, when final plat comes up for a vote, it should go first to the Planning and Zoning Committee.

Public Portion

Fulton – financial condition of Osborne and developers

Meeting adjourned at 6:40p.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.
- Announced that he had spoke with Chief Collins and a Safety Committee Meeting will be scheduled within the next two weeks; will notify the members of the Committee accordingly.

SERVICE – Christopher L. Biro, Chair

Committee Members:

Nancy E. Fellows, Frank A. Germano

COMMITTEE MEETING MAY 2, 2011

Members Present: Councilman Christopher L. Biro, Chair, Councilman Frank A. Germano

Also Present: President Kevin D. Malecek, Councilman Raymond C. Somich, Mayor Robert M. Weger, City Engineer Richard J. Iafelice, Amy Brennan, Director Chagrin River Watershed Partners, Inc.

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

Meeting convened at 7:08 p.m.

Order of Business

Discussion entailed updates to **Charter Chapter 1367 - Comprehensive Storm Water Management** and **Charter Chapter 1369 - Erosion and Sediment Control.**

Standards changed by EPA every couple years. These changes and additions to chapters allows better flexibility for City to address issues related to soil and water and provide better definitions for clarifications to Builders and Developers within City. Changes not dramatic and language approved by EPA. (refer to handouts provided for additions and changes)

Most area communities have already adopted or are considering for adoption.

Consensus of Committee to accept changes and present Ordinance to Council for Adoption after Three Readings.

Public Portion

Public Portion was opened and with no one from the Public Sector coming forth was promptly closed.

Meeting adjourned at 7:43p.m.

UTILITIES – Frank A. Germano, Chair

Committee Members:

Nancy E. Fellows, Raymond C. Somich

COMMITTEE MEETING MAY 9, 2011

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

Also Present: Councilman Christopher L. Biro, President Kevin D. Malecek, Vice President David A. Reichelt, City Engineer Richard J. Iafelice, Mayor Robert M. Weger

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

Meeting convened at 6:44 p.m.

Order of Business

Discussed the Sewer Deduct Meter for Gales Garden Center and billing to be totally based on usage.

Consensus: Waive and Adopt Ordinance No. 2011-20

Discussed the Sewer Rates. Euclid will have Capital Sewer Improvements which will affect our rates.

Consensus: Adopt after Three Readings with Emergency Clause Ordinance No. 2011-32

Discussed a Public Meeting for Area C, possibly have a Sewer Workshop in June to be scheduled by the Engineer.
<i>Public Portion</i>
<p><i>Opened at 7:32 p.m.</i></p> <p>Cheryl Ota asked what the rate increase is based on</p> <p>Linda Fulton suggested sending out a letter</p> <p><i>Closed at 7:34 p.m.</i></p>
Meeting adjourned at 7:34p.m.

PERSONNEL RELATIONS – Christopher L. Biro, Chair

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

COMMITTEE MEETING MAY 2, 2011
<p><u>Members Present:</u> Christopher L. Biro, Chair, Councilman Raymond C. Somich, Mayor Robert M. Weger</p> <p><u>Also Present:</u> Councilman Frank A. Germano, President Kevin D. Malecek</p>
<u>Purpose of the Meeting was to discuss Pending Legislation and any other business.</u>
Meeting convened at 6:21 p.m.
<i>Order of Business</i>
<p><u>Employee Compensation and Personnel Issues</u></p> <p>Adjourned into Executive Session at 6:22 p.m.</p> <p>Reconvened from Executive Session at 7:06 p.m.</p>
<i>Public Portion</i>
<i>Public Portion was opened and with no one coming forth from the Public Sector was promptly closed.</i>
Meeting adjourned at 7:07 p.m.

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 brought forth to Council.

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 7:23 p.m. and with no one coming forth from the Public Sector was promptly closed at 7:23 p.m.

UNFINISHED BUSINESS

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

LEGISLATION

ORDINANCE NO. 2011-20

AN ORDINANCE AUTHORIZING THE INSTALLATION OF A SEWER DEDUCT METER AT PROPERTY OWNED BY GS WILLOUGHBY LLC, PERMANENT PARCEL NO. 31-A-006-B-00-020-0 LOCATED AT 2730 SOM CENTER ROAD AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2011-20.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-20 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Ordinance No. 2011-20.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-20 has been adopted.

ORDINANCE NO. 2011-29

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF TWO (2) DODGE CHARGERS FROM CHARLIE'S DODGE, INC. OF MAUMEE, OHIO FOR A TOTAL COST NOT TO EXCEED \$46,924.00 WITH SAID PURCHASE BEING EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 125.04 (C) OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2011-29.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-29 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Reichelt to adopt Ordinance No. 2011-29.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-29 has been adopted.

ORDINANCE NO. 2011-30

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SODIUM CHLORIDE (ROCK SALT) REQUIREMENTS FOR THE 2011-2012 WINTER SEASON AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to suspend the Two Day Notification Rule for Ordinance No. 2011-30.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Two Day Notification Rule for Ordinance No. 2011-30 has been suspended

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2011-30.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-30 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Germano to adopt Ordinance No. 2011-30.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-30 has been adopted.

ORDINANCE NO. 2011-31

AN ORDINANCE AMENDING PART ONE ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS SECTION 157.01 – COMPENSATION, SECTION 157.05 – VACATIONS, SECTION 157.09 – INSURANCES; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2011-31.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-31 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2011-31.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-31 has been adopted.

ORDINANCE NO. 2011-32

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.

President Malecek stated that Ordinance No. 2011-32 will remain on First Reading.

RESOLUTION NO. 2011-1

A RESOLUTION ACCEPTING THE PRELIMINARY PLAT FOR THE MAPLE VALLEY SUBDIVISION.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Resolution No. 2011-1.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-1 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to adopt Resolution No. 2011-1.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-1 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to increase the hourly rate for the position of Clerk of Council to \$21.85.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that hourly rate for the position of Clerk of Council has been increased to \$21.85.

The Mayor requested that City Council prepare a Resolution for former Clerk of Mayor's Court Peg Morgan.

FOR THE GOOD OF THE ORDER

- President Malecek wished Councilwoman Fellows a Happy Birthday (Birthday is May 13th)
- Councilman Somich announced the following events:
 - Lakeland Community College has a Small Business Symposium that is taking place next Tuesday, May 17th - \$25.00 Fee, includes Breakfast and Lunch. Many National Speakers are involved with this program through COSE. For additional information contact Lakeland Community College.
 - Lake County Council on Aging – The Lake County Senior Citizens' Hall of Fame – Thursday, May 19th - to be held at the Radisson in Eastlake. Cost is \$25.00. Contact the Lake County Council on Aging for more Information.
 - Annual Spring Kids' Safety and Fun Day – Saturday, May 21st. The event will be held at Pat O'Brien Chevrolet and it is free!

- Councilman Fiebig announced that Saturday May 14th is opening day for Baseball Season.
- Councilman Somich announced that today was Yogi Berra's Birthday today and he was famous for saying that little league baseball was great; it keeps the parents off the streets!
- Councilman Reichelt announced the ClevelandCity Music Concert – Thursday, May 19th at St. Noel's Church, the concert is free. More information regarding this event can be found on the City's Website.
- Councilman Reichelt announced that there will be a Memorial Day Ceremony held across the street at the Veterans Memorial on Monday, May 30th beginning at 11:00 a.m.

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 the Regular Council Meeting of May 12, 2011 is adjourned at 7:37 p.m.

APPROVED:

Date

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council

Kevin D. Malecek
President of Council