

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 November 11, 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.

7:00 p.m. Meeting of Council Called to Order by President Pro-tem David A. Reichelt

Pledge of Allegiance

Roll Call of Council

Members Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, Vice-President David A. Reichelt, Councilman Raymond C. Somich

Absent: Councilwoman Nancy E. Fellows, President of Council Kevin D. Malecek

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

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to excuse **President Kevin D. Malecek and Councilwoman Nancy E. Fellows** from the Regular Council Meeting of November 11, 2010.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Reichelt stated that President Kevin D. Malecek and Councilwoman Nancy E. Fellows have been excused from attending this evening's meeting.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to appoint **Councilman Raymond C. Somich to serve as Vice President Pro-tem** for the Regular Council Meeting of November 11, 2010.

Roll Call: 4 AYES – w/Councilman Somich abstaining

MOTION PASSES

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

Disposition of the Journal Regular Council Meeting of October 28, 2010

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to approve the Minutes of the Regular Council Meeting of October 28, 2010 as submitted.

Roll Call: 5 AYES

MOTION PASSES

President Pro-Tem Reichelt stated that the Regular Council Meeting Minutes of October 28, 2010 have been approved as submitted.

Correspondence

- Mayor's Monthly Statement to Council for October 2010 (Emailed: November 5, 2010)
- City Engineer's Status Report for November 2010 (Emailed: November 5, 2010)

- **FINANCIAL REPORTS:** CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING OCTOBER 2010 (Emailed: November 4, 2010)

Notifications

- Planning & Zoning Committee Meeting of November 11, 2010 (Emailed: November 9, 2010)
- Planning and Zoning Commission & Architectural Board of Review Meeting of November 4, 2010 (Emailed: November 2, 2010)
- Rules & Legislation Committee Meeting of November 8, 2010 (Emailed: November 5, 2010)
- Service Committee Meeting of November 11, 2010 (Emailed: November 8, 2010)

Minutes

- Planning and Zoning Commission & Architectural Board of Review Meeting of September 16, 2010 (Emailed: November 5, 2010)
- Planning and Zoning Commission & Architectural Board of Review Meeting of October 7, 2010 (Emailed: November 5, 2010)
- **Planning and Zoning Committee Meeting of November 11, 2010**
- **RULES AND LEGISLATION COMMITTEE MEETING MINUTES OF NOVEMBER 8, 2010**
- **Service Committee Meeting of November 11, 2010**
- **Utilities Committee Meeting of October 28, 2010**

On File

- Willoughby Hills Senior Center Activities Pages for November 2010, Issue Number 11

MAYOR'S REPORT – Robert M. Weger

- Expressed sincere thanks to the residents for the support of Issue 3; it was something that was needed by the City, it has been long overdue, and thinks that we will be good shape to bring our Safety Forces up to the level needed to partake in all the activities that are happening in the City; coincidentally, the Mayor was just out early with the Fire Department and the Police Department in a three car accident on Route 90, five people were transported to the hospital, but this is a daily event that we have every day.
- Leaf Pickup – underway
- Flu Shots – Tuesday, November 23rd – Registration Required
- Sun Plum Market – tentative date to open December 1st
- New Store Opening – Verizon
- Route 91 – Stimulus Money being used for this project; Roadway Expansion – New Traffic Light installed
- Stark Drive – Chuck Holes; Patching will be done
- ECTW Area “C” Update
- Happy Thanksgiving – City Hall will be closed Thursday, November 25th and Friday, November 26th
- Recognized Willoughby South High Football Team
- Veteran’s Memorial Ceremony – Thanked Larry O’Donnell
- Business of the Month – Emerald Title
- Basketball Signups
- Christmas Card Lane
- Breakfast with Santa – December 11th – Reservations Required
- Toys for Tots – Sponsored by the Fire Department

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

- Status of Litigation: Newman vs. City of Willoughby Hills
Brown vs. City of Willoughby Hills

FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel

- Thanked the voters for supporting Issue 3 for the City's Safety Forces
- Financial Reports have been distributed for Month Ending October 2010

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

- Referenced Status Report for November 2010
- Timing of Traffic Signal SOM Widening Road Project and Signalization – Minor Modification to be made
- ECTW – Assessment Area "C" Update – Paving being done
- Utilities Committee to discuss and review negotiated Change Orders with Contractor
- Maple Grove Road Slope Failure Improvement Contract with Mr. Excavator, Inc. of Kirtland, Ohio – Change Order No. 1

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.
- Finance Committee Meeting to be called to review Financial Reports for the Months of September and October; City Finances and Budget

PLANNING & ZONING – David M. Fiebig, Chair

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

COMMITTEE MEETING NOVEMBER 11, 2010

Members Present: Councilman David M. Fiebig, Chair, Councilman Frank A. Germano, Councilman David A. Reichelt

Also Present: Councilman Christopher L. Biro

Purpose of the Meeting was to discuss Proposed 2010 Master Plan for Comprehensive Land Use and any other business.

Meeting convened at 6:16 p.m.

Order of Business

Changes to the WH Comprehensive Land Use Master Plan. Open to comments from the Committee. Highlighted changes version; Wind & Solar Energy paragraph; Maps; Economic Development; Primary Development Areas. General Discussion.

Consensus to continue dialogue and further review.

Public Portion

The following people came forth with questions/comments: Frank Cihula, Linda Fulton, Robert Kowalky

Meeting adjourned at 6:38 p.m.

RECREATION – Nancy E. Fellows, Chair

Committee Members: Christopher L. Biro, David A. Reichelt

- Councilwoman Fellows was absent; therefore no formal report was given.

RULES & LEGISLATION – Kevin D. Malecek, Chair

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

COMMITTEE MEETING NOVEMBER 8, 2010

Members Present: Vice President David A. Reichelt, Chair, Councilman Frank A. Germano

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Law Director Thomas G. Lobe, Mayor Robert M. Weger

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

Meeting convened at 7:02 p.m.

Order of Business

Ordinance No. 2010-37: Approval of the Final Change Order for the Maple Grove Slope Failure Project

The issue is being addressed by the Service Committee that will meet on Thursday, prior to the council meeting, so our approval is simply to form.

Consensus to waive Three Reading Rule and Adopt at Council pending approval by the Service Committee.

Ordinance No. 2010-38: Raise the Income Tax from 1.5% to 2%, as approved by voters on 11/2/10

Ordinance is still under review by the administration and may require slight modification before approval.

Consensus to leave the Ordinance on First Reading at the 11/11 meeting of Council.

Ordinance No. 2010-39: Approval of the Updated Master Plan for Comprehensive Land Use

Ordinance must be read three times. Members are urged to review and present any concerns at a meeting of the Planning & Zoning Committee of Council on Thursday night, prior to the Council meeting.

Consensus to leave the Ordinance on First Reading at the 11/11 meeting of Council.

Resolution No. 2010-8: Adopting the Updated Lake County Hazard Mitigation Plan

Consensus to waive Three Reading Rule and Adopt at Council.

The Mayor presented information about upcoming legislation that would amend Section 753 to change the hours of operations of game rooms from 10:00am to Midnight to 10:00am to 2:30am. This would benefit the Internet Cafes that are operating and planned in the City. Legislation will be prepared and presented at an upcoming meeting.

Public Portion (7:40 p.m.)

Frank Cihula – questions about the Hazard Mitigation Plan and declaration of winnings at the internet café for tax purpose, Robert Kowalsky – Mr. Weger – Feels that the bar owners will not like extending of hours for the game rooms.

Meeting adjourned at 7:47 p.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.
- The Safety Committee is very grateful to the electors for seeing the wisdom of approving the City's Levy on November 2nd; that will make the City's Safety Forces strong again and it will help us help the residents and that is what our job is.

SERVICE – Christopher L. Biro, Chair

Committee Members:

Nancy E. Fellows, Frank A. Germano

COMMITTEE MEETING NOVEMBER 8, 2010

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

Also Present: Councilman David M. Fiebig, Councilman David A. Reichelt, City Engineer Richard J. Iafelice, Mayor Robert M. Weger

Purpose of the Meeting was to discuss (1) Ordinance No. 2010-37, (2) Introductory to Infrastructure Planning and (3) the Annual Road Program and any other business.

Meeting convened at 6:30 p.m.

Order of Business

1. Engineer Richard Iafelice discussed **Ordinance 2010-37** and the reason for the Change Order on the Maple Grove Project to the amount of \$71,343.60. Extra costs not incurred by City. **The Consensus of Committee was to wave and adopt Ordinance No. 2010-37.**
2. City Engineer Iafelice discussed **OPWC Application for Funding of the Eddy Road Improvements Project**. This Project is rated well and Application accepted at local level and moved to approval at State level.
3. City Engineer Iafelice gave a short introduction to **5 Year Improvement Program**.

Public Portion

Joyce Grady had questions about Project Funding

Meeting adjourned at 6:59p.m.

UTILITIES – Frank A. Germano, Chair

Committee Members:

Nancy E. Fellows, Raymond C. Somich

COMMITTEE MEETING OCTOBER 28, 2010

Members Present: Councilman Frank A. Germano, Chair, Councilwoman Nancy E. Fellows, Councilman David A. Reichelt

Also Present: City Engineer Richard J. Iafelice and Eric Haibach of CT Consultants

Purpose of the Meeting was to discuss (1) ECTW – Area “C” Sanitary Sewer Improvements, (2) Sewer Detection Program Update and any other business.

Meeting convened at 7:31 p.m.

Order of Business

- Canterbury, Camelot Dye Testing
- Summer Sprinkling Program
- ECTW Area “C” – Contracts 5 and 6 Progress Report; Line Items and Extras; Majority of Extras are in Paving Repair
- There will be a Meeting in November to go over the “Extras” that are still being negotiated and finalized

Public Portion (8:30 p.m.)

Robert Kowalsky – Requested the total of changes to date, Eric of CT Consultants, responded approximately 168K

Meeting adjourned at 8:32 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

- There were no other reports given.

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 7:30 p.m.

1, Frank Cihula

Dixon Road

RE: Garfield Memorial Fund; sold \$149.00 in memorabilia during the Election held Tuesday, November 2, 2010

2. Robert Kowalsky

2585 Timberline Drive

RE: Charter Amendment Codified – Safety Forces Funds used only for Police and Fire and those Safety Forces Income Tax Funds added to current Safety Forces Budget Levels with no monetary offset. Will the Police and Fire have a line item in the budget? How does it go in, how does it come out and who does it go to? A quarter of the funds to be used for Police and the other quarter used for the Fire?

Public Portion was closed at 7:34 p.m.

UNFINISHED BUSINESS

- There was no unfinished business brought forth by Council.

LEGISLATION

ORDINANCE NO. 2010-37

AN ORDINANCE APPROVING CHANGE ORDER NO. 1 – FINAL FOR THE MAPLE GROVE ROAD SLOPE FAILURE IMPROVEMENT CONTRACT WITH MR. EXCAVATOR, INC. OF KIRTLAND, OHIO; AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2010-37.

Roll Call: 5 AYES

MOTION PASSES

President Pro-tem Reichelt stated that the Three Reading Rule for Ordinance No. 2010-37 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2010-37.

Roll Call: 5 AYES

MOTION PASSES

President Pro-tem Reichelt stated that Ordinance No. 2010-37 has been adopted.

ORDINANCE NO. 2010-38

AN ORDINANCE PROVIDING FOR AN INCREASE IN THE RATE OF THE MUNICIPAL INCOME TAX; AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE NINE – TAXATION, CHAPTER 185 – INCOME TAX, SECTION 185.0101 – PURPOSE OF LEVY, SECTION 185.0501 – RATE AND INCOME TAXABLE, SECTION 185.0502 – EFFECTIVE PERIOD, SUBSECTION (a) of SECTION 185.1302 – COLLECTION AT SOURCE, AND SECTION 185.1902 – RESIDENT SUBJECT TO INCOME TAX IN OTHER MUNICIPALITY; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Pro-tem Reichelt stated that Ordinance No. 2010-38 will remain on First Reading.

ORDINANCE NO. 2010-39

AN ORDINANCE APPROVING AND ADOPTING THE 2010 MASTER PLAN FOR COMPREHENSIVE LAND USE FOR THE CITY OF WILLOUGHBY HILLS OHIO.

President Pro-tem Reichelt stated that Ordinance No. 2010-39 will remain on First Reading.

RESOLUTION NO. 2010-8

A RESOLUTION ADOPTING THE UPDATED LAKE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN AS PRESENTED AND WITH ANY FEDERALLY-REQUIRED MODIFICATIONS.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2010-8.

Roll Call: 5 AYES

MOTION PASSES

President Pro-tem Reichelt stated that the Three Reading Rule for Resolution No. 2010-8 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Somich to adopt Resolution No. 2010-8.

Roll Call: 5 AYES

MOTION PASSES

President Pro-tem Reichelt stated that Resolution No. 2010-8 has been adopted.

NEW BUSINESS

- There was no new business brought forth to Council.

FOR THE GOOD OF THE ORDER

- Councilman Somich reported on the following:

Matt Sodich who worked many years in our City at Eaton's University and has been serving as the Lake County Untied Ways' Board Chair, passed away at the young age of 52; condolences to the Family St. Noel's: The St. Augustine Dinner/Auction will be on Thursday, November 18th at 5:30 – Tickets are \$17.00

- Councilman Fiebig that he was going to provide information the St. Augustine Dinner as well, tickets are \$17.00 available at the Church Rectory with the proceeds benefitting the St. Augustine Center which does tremendous about of help for the many needed in the greater Cleveland area. So it is a wonderful event and it is the nineteenth annual. It is next Thursday, November 18th at 5:30 p.m. with Dinner at 6:30 p.m.
- President Pro-tem Reichelt announced the Cleveland City Music Concert Series: United Methodist Church, Downtown Willoughby located at 15 Public Square, Saturday, December 12th at 7:30 p.m. This is an organization that provides free Classical Music Concerts. They partner with our City and the City of Willoughby.
- President Pro-tem Reichelt mentioned the Boys League Championship – Cowboys 18 –Information on Website; held banquet honoring all the boys and the Cheerleading Squad. Guest speaker was Ray Russ, Willoughby South High Quarterback, as Ray Russ played in the WH Cowboys League.
- President Pro-tem Reichelt announced that due to Thanksgiving Holiday, the next Regular Council Meeting scheduled for November 25th will not be held. A Special Council Meeting will be called for November 29th, only if required.

ADJOURNMENT

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

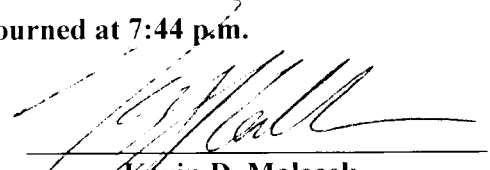
Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Reichelt declared that this Meeting of Council is adjourned at 7:44 p.m.

APPROVED:

December 20, 2010
Date



Kevin D. Malecek
President of Council

ATTEST:



Victoria Ann Savage, CMC
Clerk of Council