

# 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 October 8, 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.*

**7:05 p.m. Meeting of Council Called to Order by President of Council.**

### *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 Joseph G. Mirtel, City Engineer Richard J. Iafelice  
Clerk of Council Victoria Ann Savage

### **Disposition of the Journal**      **Regular Council Meeting of September 24, 2009**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of September 24, 2009 as submitted.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Malecek declared that the Regular Council Meeting Minutes of September 24, 2009 have been approved as submitted.**

### **Correspondence**

- Tom Sawyer, State Senator – 28<sup>th</sup> District to Council of the City of Willoughby Hills, dated September 21, 2009 re: Drilling of Gas Wells
- Mayor's Monthly Statement for September 2009
- Richard J. Iafelice to James R. Gills/Lake County Engineer – Attn: Bruce Landeg/Chief Deputy Engineer, dated September 30, 2009 re: OPWC Funding Application Form/Willoughby Hills, Ohio/Round 24 – Program Year 2010
- City Engineer's Report for the Month of October 2009
- Richard Iafelice, City Engineer to Honorable Robert M. Weger, dated October 1, 2009 re: Euclid Creek Tributary Watershed Sanitary Sewer Improvements/Assessment Area "C"/Construction-Related Services
- Clerk of Council to Robert M. Weger, Service/Safety Director, dated October 5, 2009 re: Ohio Division of Liquor Control – Transfer of Liquor Permits
- **FRED WYSS, BUILDING INSPECTOR/COMMISSIONER, ZONING ADMINISTRATOR AND FLOODPLAIN MANAGER FOR THE CITY OF WILLOUGHBY HILLS TO MAYOR, MEMBERS OF COUNCIL, LAW DIRECTOR, CITY ENGINEER, PLANNING AND ZONING COMMISSION AND BOARD OF ZONING APPEALS, DATED SEPTEMBER 8, 2009 RE: MODIFICATIONS OF THE ENTIRE CHAPTER 1169 FLOOD HAZARD PRECAUTIONS**

- **CHIEF CHRISTOPHER J. COLLINS TO JOE MIRTEL, FINANCE DIRECTOR, CC: ROBERT M. WEGER, MAYOR AND KEVIN D. MALECEK, PRESIDENT OF COUNCIL, DATED OCTOBER 8, 2009.**

#### **Notifications**

- Board of Building & Zoning Appeals Notification stating that no appeals were received therefore, the BZA will not meet October 13, 2009
- Personnel Relations Committee Meeting of October 1, 2009
- Planning and Zoning Commission & Architectural Board of Review Meeting of October 1, 2009
- Rules and Legislation Committee Meeting of October 5, 2009
- Lakeland Community College: *Together Ohio – People, Partnerships, & Possibilities --- A Community Conversation about creating civic partnerships that will benefit and improve our communities* to be held October 19, 2009 from 1:00 p.m. – 2:30 p.m. at Lakeland Community College
- Lakeland Community College: *House Bill 9 Certified Training* to be held October 15, 2009 from 1:00 p.m. to 4:15 p.m. at Lakeland Community College
- City of Willoughby Hills Halloween Party to be held October 24, 2009 from 6:00 p.m. to 8:00 p.m. at the WH Community Center

#### **Minutes**

- Board of Building and Zoning Appeals Meeting of March 10, 2009
- Planning and Zoning Commission & Architectural Board of Review Meeting of September 17, 2009
- **Rules and Legislation Committee Meeting Minutes of October 5, 2009**
- Service Committee Meeting of September 14, 2009
- **PERSONNEL RELATIONS COMMITTEE MEETING OF OCTOBER 1, 2009**

#### **On File**

- **FINANCIAL REPORTS: CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING SEPTEMBER 2009**

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

- Heavy Trash Pickup slated for West of Route 91 – October 12<sup>th</sup>
- Art Gallery– Grand Opening to be held November 11<sup>th</sup> at 7:00 p.m.
- New School Zone located at Route 91
- Absentee Ballot Applications are available at City Hall for the General Election to be held November 3<sup>rd</sup>
- Developing Financial Model – To be implemented during the 4<sup>th</sup> Quarter of 2009 thru 2010 – predicated on lower than anticipated revenues – currently the City is 10% down in income tax revenue and the City needs to take some steps in order to make the Financial Model work for the City and be more fiscally responsible.
- Opening Bids for Municipal Property and Auto Insurance were held September 25<sup>th</sup> – Supports passage of Ordinance No. 2009-76

##### Events:

October 10	Annual Craft Show to be held at the Community Center from 10:00 a.m. to 4:00 p.m.
October 16	City Music Cleveland – St. Noel's Church – 8:00 p.m.
October 24	Annual Halloween Party to be held at the Community Center from 6:00 p.m. to 8:00 p.m.
November 3	Election Day – Vote "Yes" for Issue 4 – Road Levy Tax Renewal
November 11	Veterans Day Ceremony to be held at the WH Veteran's Memorial

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

- Requested an Executive Session be called at a time most convenient for Council for the purpose of addressing threatening litigation with the City of Painesville.
- Requested an additional Executive Session be called at a time most convenient for Council for the purpose of addressing a Personnel Relations matter.

## **FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel**

- Financial Reports consisting of Cash Reconciliation, and Fund Balance Change Analysis for the Month ending September 2009 were distributed to Council. The report pertaining to Purchase Orders was not included; however it will be forth coming.
- Supported the passage of Ordinance No. 2009-76

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

- Bid Opening for ECTW Assessment Area "C" Sanitary Sewer Project – Bid results were very good
- Part 2 of the Bid Estimate for Bishop Road – OPWC Project
- Re-bid Stark Drive Corporate 90 Pump Station Project

## **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.
- Announced that a Finance Committee would be called to review the Financial Reports for September 2009.

## **PLANNING & ZONING – David A. Reichelt, Chair**

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

- The Planning & Zoning Committee has not met; 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 OCTOBER 5, 2009**

**Members Present:** President Kevin D. Malecek, Vice President David A. Reichelt

**Also Present:** Councilwoman Nancy E. Fellows, Councilman David M. Fiebig

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

**Meeting convened at 6:37 p.m.**

#### ***Order of Business***

**Ordinance 2009-68, 69, 71** – dealing with signalization at I-90/Route 91 – all to remain on their respective Readings.

#### **Ordinance 2009-75** – Re-Appropriation Ordinance

Additional clarification may be warranted – approve as to form. Monies confiscated for some of the amounts to make sense. Some additional clarification questions will be asked of the Finance Director.

**Consensus to recommend to Council Adoption at the Regular Council Meeting of October 8<sup>th</sup>.**

#### **Ordinance 2009-76** – Acceptance of Insurance Quote

Savings of \$17,000 over previous year.

**Consensus to recommend to Council Adoption at the Regular Council Meeting of October 8<sup>th</sup>.**

#### **Resolution 2009-20** – Laketrans Commendation Resolution.

**Consensus to recommend to Council Adoption at the Regular Council Meeting of October 8<sup>th</sup>.**

**Brief update on property maintenance legislation – modifying to make it consistent with commercial – two or three ordinances into one – research continues.**

#### ***Public Portion***

***Frank Cihula*** – Question about transference to Garfield Fund – how much. ***Linda Fulton*** – money for Fowler Drive Project – where did it come from? ***Robert Kowalsky*** – saying not the right things about these funds – you are still fancy

*free – you don't exactly know yet – we are going to pass it in form.*

**Meeting was adjourned at 6:54 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.

**SERVICE – Nancy E. Fellows, Chair**

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

- The Service Committee has not met; therefore no formal report was given.
- Announced that a Service Committee would be scheduled to further discuss the proposed Citywide Trash/Recycling Program.

**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

**COMMITTEE MEETING OF OCTOBER 1, 2009**

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

**Also Present:** Councilman David M. Fiebig, Vice President David A. Reichelt, , Sgt. Michael Planisek, Detective David Broadwater, Patrolman James Vitale

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

**Meeting convened at 5:10 p.m.**

***Order of Business***

**Public Portion was opened at 5:11 p.m. with no one coming forth from the public sector was promptly closed at 5:11 p.m.**

**Motion was made to adjourn into Executive Session for the purpose of discussing Police Labor Negotiations. Committee adjourned into Executive Session at 5:12 p.m.**

**With all Committee Members present, the Meeting was adjourned at 6:15 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 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 7:24 p.m. and with no one coming forth from the public sector, was promptly closed at 7:24 p.m.**

**UNFINISHED BUSINESS**

- There was no unfinished business brought forth to Council.

## **LEGISLATION**

### **ORDINANCE NO. 2009-68 – THIRD READING**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION, DISTRICT 12 TO UPGRADE TRAFFIC SIGNALS AND INTERSECTION IMPROVEMENTS ALONG EUCLID-CHARDON ROAD (U.S. 6) AND S.O.M. CENTER ROAD (S.R. 91) IN THE CITIES OF WILLOUGHBY HILLS AND WILLOUGHBY AND DECLARING AN EMERGENCY.**

**President Malecek declared that Ordinance No. 2009-68 would remain on Third Reading.**

### **ORDINANCE NO. 2009-69 – THIRD READING**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO AN AGREEMENT BY AND BETWEEN THE CITY OF WILLOUGHBY HILLS, THE OHIO DEPARTMENT OF TRANSPORTATION, DISTRICT 12 AND THE CITY OF WILLOUGHBY FOR THE PURPOSE OF INSTALLING AND MAINTAINING A CLOSED LOOP TRAFFIC SIGNAL SYSTEM ON STATE ROUTE (SR) 91) IN THE CITIES OF WILLOUGHBY HILLS AND WILLOUGHBY AND DECLARING AN EMERGENCY.**

**President Malecek declared that Ordinance No. 2009-69 would remain on Third Reading.**

### **ORDINANCE NO. 2009-71 – SECOND READING**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A AN AGREEMENT WITH THE CITY OF WILLOUGHBY FOR THE SOM CENTER ROAD TRAFFIC SIGNALIZATION IMPROVEMENTS AND DECLARING AN EMERGENCY.**

**President Malecek declared that Ordinance No. 2009-71 would remain on Second Reading.**

### **ORDINANCE NO. 2009-75**

**AN ORDINANCE AMENDING ORDINANCE NO. 2009-24 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

**President Malecek declared that Ordinance No. 2009-75 would remain on First Reading and has been referred to the Finance Committee.**

### **ORDINANCE NO. 2009-76**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT(S) FOR PERSONAL PROPERTY AND AUTOMOBILE INSURANCE COVERAGE FOR THE CITY OF WILLOUGHBY HILLS PROVIDED THROUGH CUSTIS INSURANCE SERVICE INC. AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-76.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-76 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to adopt Ordinance No. 2009-76.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-76 has been adopted.**

### **RESOLUTION NO. 2009-20**

**A RESOLUTION IN RECOGNITION OF LAKETRAN'S 35 YEARS OF DISTINGUISHED SERVICE TO THE LAKE COUNTY COMMUNITY.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Biro to suspend the Three Reading Rule for Resolution No. 2009-20.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Resolution No. 2009-20 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to adopt Resolution No. 2009-20.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Resolution No. 2009-20 has been adopted.**

## **NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano for Council to adjourn into Executive Session inviting the Mayor, the Law Director, and the Finance Director to discuss threaten litigation with the City of Painesville.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Council would immediately move into Executive Session immediately following “For the Good of the Order” for the purpose of discussing a threat of litigation with the City of Painesville inviting the Mayor, the Law Director, and the Finance Director; said Executive Session not to exceed 15 minutes.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano for Council to adjourn into a second Executive Session inviting the Mayor, the Law Director and the Finance Director to discuss a Personnel Relations Matter.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Council would have a second Executive Session for the purpose of discussing a Personnel Relations Issue inviting the Mayor, the Law Director, and the Finance Director.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to declare City property to be utilized for the 2010 Fall Corn Fest during the weekend of September 11<sup>th</sup> and 12<sup>th</sup> of 2010.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the City’s Fall Corn Fest for 2010 has been declared a Public Purpose.**

## **FOR THE GOOD OF THE ORDER**

- President Malecek acknowledged Laketran for 35 years of distinguished service to the community.
- Councilman Somich announced Annual Senior Wellness Day to be held at Auburn Career Center on Tuesday, October 20<sup>th</sup>. Reservations are required and there is a \$6.00 fee.
- Councilman Somich announced that the Model Train Museum located on Tyler Boulevard is having an Open House this weekend featuring Circus Trains, Saturday and Sunday - admission is free.
- Councilman Reichelt acknowledged the Law Director’s Birthday.
- President Malecek announced that Cleveland City Music will be performing on October 16<sup>th</sup> at 8:00 p.m. at St. Noel Church.

**President Malecek excused the City Engineer and called for Council to adjourn into Executive Session at 7:35 p.m.**

**With all Members of Council present, Council reconvened at 8:30 p.m.**

## **ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Fiebig to adjourn until the next Regular Council Meeting.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

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

Meeting adjourned at 8:31 p.m.

APPROVED:

October 22 2009  
Date

ATTEST:

Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council

David A. Reichelt  
David A. Reichelt  
President of Council, Pro-tem