

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of October 14, 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 Kevin D. Malecek**

#### *Pledge of Allegiance*

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

**Members Present:** 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, President 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

#### **Disposition of the Journal** Regular Council Meeting of September 23, 2010

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Reichelt to approve the Minutes of the Regular Council Meeting of September 23, 2010.

**Roll Call: 7 AYES**

**MOTION PASSES**

**President Malecek stated that the Regular Council Meeting Minutes of September 23, 2010 have been approved.**

#### **Correspondence**

- Ohio Department of Natural Resources to Council Clerk, dated September 28, 2010 re: Oil and Natural Gas Law Change – Senate Bill 165/Public Meeting Required by Political Subdivisions (Emailed: October 7, 2010)
- Mayor's Court Monthly Statement to Council for the Month of September 2010 (Emailed: October 7, 2010)
- City Engineer's Status Report for October 2010 (Emailed: October 8, 2010)
- **FINANCIAL REPORTS:** CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING SEPTEMBER 2010 (Emailed: October 4, 2010)

#### **Notifications**

- Board of Building and Zoning Appeals Meeting Cancellation (Emailed: October 5, 2010)
- Planning & Zoning Commission & Architectural Board of Review Meeting of October 7, 2010 (Emailed: October 6, 2010)
- Recreation Commission Meeting of October 5, 2010 (Emailed: October 4, 2010)
- Rules & Legislation Committee Meeting of October 11, 2010 (Emailed: October 7, 2010)
- Service Committee Meeting of October 14, 2010 (Emailed: October 7, 2010)

## **Minutes**

- Board of Building and Zoning Appeals Meeting of April 13, 2010 (Emailed: October 7, 2010)
- Planning and Zoning Committee & Architectural Board of Review Meeting of September 2, 2010 (Emailed: September 27, 2010)
- **Rules & Legislation Committee Meeting of October 11, 2010** (Emailed: October 12, 2010)
- **Service Committee Meeting of October 14, 2010**

## **On File**

- Willoughby Hills Senior Center Activity Pages for October 2010/Issue Number 10
- Housing Research & Advocacy Center News Letter for Summer 2010

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

- City Newsletter will be coming out within the next couple of weeks
- SOM Center/91 Update
- Leaf Pickup – Starting on Monday
- Flu Shots – Tuesday, November 23<sup>rd</sup>
- Town Hall Meeting for Ballot Issue 3 scheduled for October 25<sup>th</sup> at 7:00 p.m.
- Lake County Appraisal Auditor – Door to Door
- Thanked everyone who attended and participated in the Craft Fair – very successful event
- Basketball Signups
- Annual Halloween Party being held Saturday, October 23<sup>rd</sup> at the WH Community Center from 6:00 p.m. to 8:00 p.m.
- Pat O'Brien Chevrolet hosting Community Halloween Day on Saturday, October 30, 2010 from 10:00 a.m. to 2:00 p.m. – City will be doing Kids Prints
- Official Halloween observed Sunday, October 31<sup>st</sup>
- **Save the Dates:**
  - **October 25th**  
Town Hall Meeting: Issue 3 – Income Tax Increase to be held at the WH Community Center 7:00 p.m.

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

- No formal report was given.

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

- Financial Reports distributed to Council
- Supports passage of Ordinance No. 2010-35

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

- Referenced Status Report for October 2010
- Revised Schedule for ECTW – Assessment Area C Sewer Project
- SOM Center Roadway Improvements - ODOT Project – City will have to incur additional costs on the project; costs are to be minor

## **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 scheduled to review Financial Reports for September

## **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.
- Encouraged everyone to review the Master Plan; looking to adopt by the end of the year

## **RECREATION – Nancy E. Fellows, Chair**

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

- Attended Recreation Commission Meeting held on October 5th; monies from Flea Market need to be appropriated to Account #460
- Recreation Committee Meeting will be scheduled to discuss how to bill on an hourly basis for the rental of rooms at the Community Center

## **RULES & LEGISLATION – Kevin D. Malecek, Chair**

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

<b>COMMITTEE MEETING OCTOBER 11, 2010</b>	
<b><u>Members Present:</u></b> President Kevin D. Malecek, Chair, Councilman Frank A. Germano Chair, Councilman David A. Reichelt	
<b><u>Also Present:</u></b> Councilman Christopher L. Biro, Councilman Raymond C. Somich, Mayor Robert M. Weger	
<b><u>Purpose of the Meeting was to discuss Pending Legislation and any other business.</u></b>	
<b>Meeting convened at 6:33 p.m.</b>	
<b><i>Order of Business</i></b>	
<b><u>Ordinance 2010-34: Surplus Vehicle Sales</u></b> Third addition to the internet sales – different prices were adjustments – if it does not sell on the internet for the minimum price, then we can sell in the City. Internet rules dictate. <b>Consensus to waive Three Reading Rule and Adopt at Council.</b>	
<b><u>Ordinance 2010-35: Appropriation Adjustments</u></b> Appropriation adjustments to ensure positive account balances – general financial housekeeping. Should take us through the end of the year. <b>Consensus to waive Three Reading Rule and Adopt at Council.</b>	
<b><u>Resolution 2010-6: Eddy Road Improvements</u></b> Eddy Road from 91 to River Road – apply for the money from OPWC, if we get it 50% match. Good money – take from Road Levy. Project ranked high – try for the money anyway. Deterioration of the road – worst condition outside the sewer project. <b>Consensus to waive Three Reading Rule and Adopt at Council.</b>	
<b><u>Resolution 2010-7: Hunger and Homelessness Week</u></b> Add clause about WH hosting the first Project Hope. <b>Consensus to waive Three Reading Rule and Adopt at Council.</b>	
<b><i>Public Portion</i></b>	
<b><i>Frank Cihula – what did I miss? Joyce Grady – one question – timing on the new signals – are they going to be turned off on the weekends? 7:00pm at night – Clinic – just flashing – have not been – time everything together. Totally done by November 15<sup>th</sup> – perhaps by the end of the month. Robert Kowalsky – Mr. Weger – is it possible to get what they are trying to time it to – Halle Farm to Route 6 – how are they timing it – you can ask ODOT for the plans – it is there plans. Kowalsky – OPWC renewed? Weger – the state did it – Ohio Public Works. Kowalsky – I really do belong to Ohio.</i></b>	
<b>Meeting adjourned at 6:46 p.m.</b>	

## **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

## COMMITTEE MEETING OCTOBER 14, 2010

**Members Present:** Councilman Christopher L. Biro Chair, Councilwoman Nancy E. Fellows, Councilman Frank A. Germano

**Also Present:** Councilman David M. Fiebig, President Kevin D. Malecek, Councilman David A. Reichelt, Mayor Robert M. Weger, City Engineer Richard Iafelice

**Purpose of the Meeting was to discuss Infrastructure Planning Issues – Roadway and Drainage and any other business.**

**Meeting convened at 6:15 p.m.**

### *Order of Business*

- **Eddy Road Resurfacing Project from SOM to River Road;** Review scope of \$500K project. OPWC funding at \$250K with \$50K of force account. City's responsibility would be approximately \$200,000
- **Resolution No. 2010-6** – Authorizing the Mayor to file an application with the Ohio Public Works Commission (OPWC) for funds necessary for the Eddy Road Improvements
- **Lamplight Lane:** Reviewed scope of project. The City was not successful in demonstrating compliance with the Benefit/Cost Analysis from the Ohio EMA. Therefore, the Grant is being turned back to Lake County for their use. The city did accept the OPWC Grant of \$125,000; Administration and the City Engineer did meet with LCSMD to explore alternative means of securing the local share.

### *Public Portion was opened at 6:48 p.m.*

**Linda Fulton** – Questioned how Eddy Road and the City Street Projects were to be funded

**Frank Cihula** – Questions regarding the Levy

**Meeting adjourned at 6:53 p.m.**

## 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.
- Utilities Committee Meeting will be scheduled

## 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 7:18 p.m. and with no one coming forth from the public sector, was promptly closed at 7:18 p.m.**

## **UNFINISHED BUSINESS**

- There was no unfinished business brought forth by Council.

## **LEGISLATION**

**ORDINANCE NO. 2010-34 – SECOND READING**

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**AN ORDINANCE DECLARING 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 GERMANO**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2010-34.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2010-34 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to adopt Ordinance No. 2010-34.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2010-34 has been adopted.**

**ORDINANCE NO. 2010-35**

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**AN ORDINANCE AMENDING ORDINANCE NO. 2010-26 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2010-35.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2010-35 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to adopt Ordinance No. 2010-35.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2010-35 has been adopted.**

**RESOLUTION NO. 2010-6**

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**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION FOR FUNDS NECESSARY FOR THE EDDY ROAD IMPROVEMENTS AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2010-6.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Resolution No. 2010-6 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilwoman Fellows to adopt Resolution No. 2010-6.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Resolution No. 2010-6 has been adopted.**

**RESOLUTION NO. 2010-7**

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**A RESOLUTION DECLARING NOVEMBER 14 – 20, 2010 AS NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK AND DECLARING NOVEMBER 20, 2010 AS HOMELESSNESS AWARENESS DAY IN LAKE COUNTY.**

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**MOTION WAS MADE BY COUNCILMAN REICHEL**T, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2010-7.

**Roll Call:** 7 AYES – unanimous

**MOTION PASSES**

President Malecek declared that the Three Reading Rule for Resolution No. 2010-7 has been suspended.

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to adopt Resolution No. 2010-7.

**Roll Call:** 7 AYES – unanimous

**MOTION PASSES**

President Malecek declared that Resolution No. 2010-7 has been adopted.

### **NEW BUSINESS**

- Councilwoman Fellows addressed President Malecek by stating: She was not sure, maybe she should have brought it up in Rules, but as we are promoting the Tax Issue and Ordinance No. 2010-27 in the second “WHEREAS” and also highlighted in the Reichelt Report, in red, that these funds would be specifically designated for Safety Forces, she would like to make a motion for an ordinance to codify, exactly as these documents state, that when Issue 3 passes the money shall be exclusively used to support the City’s Safety Forces – only for the Police and Fire Departments and that these monies be added to their current budget levels with no monetary offsets.”

President Malecek replied that we can put it in Rules.

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

- Councilman Somich announced the following:
  1. Annual Candidates, Luncheon being held by the Willoughby Area Chamber of Commerce and the Willoughby Rotary on Monday, October 25, 2010 at 11:30 a.m.
  2. Blood Drive to be held in Willoughby Hills on October 27, 2010
  3. Largest Single Blood Drive in Lake County to be held October 26, 2010 at LaMalfa Party Centre
- Councilman Biro announced the Poor Man’s Raffle hosted by Willoughby Hills Lion’s Club will be held Sunday, October 24, 2010 at La Vera Party Center.
- President Malecek stated that Council will not be meeting on Thursday, November 25<sup>th</sup> due to Thanksgiving and announced that Monday, November 29, 2010 will be held open for a Special Meeting of Council, if required.

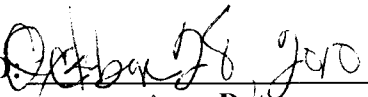
### **ADJOURNMENT**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to adjourn the Meeting.

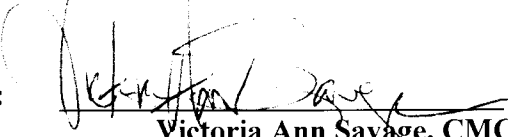
**Roll Call:** 7 AYES – unanimous

**MOTION PASSES**

President Malecek declared that this Meeting of Council is adjourned at 7:28 p.m.

APPROVED: \_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kevin D. Malecek  
President of Council

ATTEST: \_\_\_\_\_  
Victoria Ann Savage, CMC  
Clerk of Council