

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
FRANK A. GERMANO
KEVIN D. MALECEK
RAYMOND C. SOMICH

Regular Council Meeting

Minutes of April 12, 2012

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 David A. Reichelt

Pledge of Allegiance

Roll Call of Council

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

Absent: Councilman Kevin D. Malecek
Finance Director Frank J. Brichacek

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

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to excuse Councilman Kevin D. Malecek from the Regular Council Meeting of April 12, 2012.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt stated that Councilman Kevin D. Malecek has been excused from attending the Regular Council Meeting of April 12, 2012.

Swearing-In of Full Time Police Officers Greg Leonbruno and Jamie Onion

The Mayor administered the Oath of Office for Full Time Patrol Officers Greg Leonbruno and Jamie Onion. Sergeant Planisek stated that Officer Leonbruno has served 13 months as a Part-Time Officer for the City and Officer Jamie Onion has served 8 years as a Part-Time Officer for the City. The Mayor stated that it was a proud day for him for it has almost been a decade since the City has hired any full time officers.

Disposition of the Journal Regular Council Meeting of March 22, 2012

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Somich to approve the Regular Council Meeting Minutes of March 22, 2012 as submitted.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Regular Council Meeting Minutes of March 22, 2012 have been approved as submitted.

Special Council Meeting of April 2, 2012

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to approve the Special Council Meeting Minutes of April 2, 2012 as submitted.

Roll Call: 5 AYES – (1) Abstention from Councilman Somich

MOTION PASSES

President Reichelt declared that the Special Council Meeting Minutes of April 2, 2012 have been approved as submitted.

Correspondence

- Ohio EPA to Mayor and Council, dated March 22, 2012, re: Public Notice No. 12-03-059 – National Pollutant Discharge Elimination System (NPDES) Permit Program (Emailed: April 10, 2012)
- Email from President Reichelt to Members of Council dated February 27, 2012 re: Ruling Appeal-2nd Request – Attachments Included
- Mrs. Glenna Breeden, Finance Manager Assistant/Phoenix Big Cinemas Management, dated March 26, 2012 re: Appeal of the decision made on November 15, 2011 by Frank J. Brichacek, Director of Finance, in the matter of a fifty percent abatement of the Admission Taxes for Willoughby Hills Movie 10 from November 10, 2010 through August 31, 2011 (Emailed: April 10, 2012)
- City of Euclid to Mayor Robert Weger, dated April 2, 2012, copy provided to City Council, re: Sewer Rates (Emailed: April 3, 2012)
- City Engineer's Status Report for April 2012 (Emailed: April 6, 2012)
- WH Community Center Rentals for March 2012 (Emailed: March 31, 2012)
- Mayor's Court Monthly Report for March 2012 (Emailed: April 10, 2012)
- **FINANCIAL REPORTS FOR THE MONTH ENDING FEBRUARY 2012 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS** (Emailed: April 11, 2012)

Notifications

- Personnel Relations Committee Meeting of April 9, 2012 (Emailed: April 5, 2012)
- Planning & Zoning Commission and Architectural Board of Review Meeting of April 5, 2012 (Emailed: April 3, 2012)
- Recreation Committee Meeting of April 9, 2012 (Emailed: April 5, 2012)
- Recreation Commission Meeting of April 4, 2012 (Emailed: March 28, 2012)
- Rules & Legislation Committee Meeting of April 9, 2012 (Emailed: April 5, 2012)
- Special Council Meeting of April 2, 2012 (Emailed: March 30, 2012)

Minutes

- Finance Meeting of March 19, 2012 (Emailed: March 23, 2012)
- Personnel Relations Committee Meeting of April 9, 2012 (Emailed: April 10, 2012)
- Planning and Zoning Commission & Architectural Board of Review Meeting of December 1, 2011 (Emailed: March 27, 2012)
- **RECREATION COMMITTEE MEETING OF APRIL 9, 2012** (Emailed: April 11, 2012)
- **RULES & LEGISLATION COMMITTEE MEETING OF APRIL 9, 2012** (Emailed: April 11, 2012)

On File

- WH Senior Center Activity Pages for April 2012, Issue Number 4

MAYOR'S REPORT – Robert M. Weger

- Rogers Road Update – Preconstruction Meeting held with Marous Brothers Construction – Road to be closed May 1st through July
- Maplegrove Bridge Update – Working with ODOT – Great Lakes Construction – Road to be closed May 5th through October
- Garfield Soccer Fields Update – CT Consultants staked out Fields
- WHISPER Program – Yard Cleanups ongoing – Call Mayor's Office for Services
- **Acknowledgements**

First time in almost a decade that the City hired two Full Time Police Officers Jamie Onion & Greg Leonbruno

Welcome to Denise Edwards – PT Recreation Coordinator

Get Well Wishes to Finance Director Frank Brichacek

Proclamation given to Firefighter Robert Vencl for receiving the “Heroes for Andy” Award presented by the Andy Nowacki Foundation

Thanks to all who were involved with the Easter Party

- **Upcoming Events**

Captains Day at Classic Park – June 3rd

Shred Day in Willoughby Hills – June 16th

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

- No formal report was given.

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

- The Finance Director was not in attendance; therefore no formal report was given.

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

- Referenced April 2012 Status Report
- Rogers Road Slope Failure Project - Pre-Construction Meeting held with Marous Brothers
- Two Easements required for the Rogers Road Slope Failure Project – Cost of easements were budgeted in the Project
- Restoration and “Fixer-Uppers” going on at Camelot Court

COMMITTEE REPORTS

President Reichelt asked if there were any Committee Chairs who would like to provide a report.
Committees Reports have been listed alphabetically.

PERSONNEL RELATIONS – Kevin D. Malecek, Chair

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

Although Councilman Kevin D. Malecek was not in attendance to give a verbal report, the minutes of the Personnel Relations Committee Meeting held on April 9, 2012 have been provided.

COMMITTEE MEETING OF APRIL 9, 2012

Members Present: Councilman Kevin D. Malecek, Chair, Councilman Raymond C. Somich, Mayor Robert M. Weger

Also Present: Councilman Christopher L. Biro, Vice President Nancy E. Fellows, Councilman David M. Fiebig, President David A. Reichelt, Law Director Thomas Lobe

Purpose of the Meeting was to discuss Employee Compensation and any other business.

Meeting convened at 6:07pm

Order of Business

Entertain a Motion to move into Executive Session inviting other Council Members and the Law Director to discuss Personnel Matters 6:07pm. Somich, Weger. Reconvened at 6:59pm

Public Portion was opened at 7:00pm and with no one coming forth from the Public Sector, was promptly closed at 7:00pm

Meeting adjourned at 7:00pm

RECREATION – Christopher L. Biro, Chair

Committee Members: David M. Fiebig, Raymond C. Somich

COMMITTEE MEETING OF APRIL 9, 2012	
Members Present: Councilman Christopher L. Biro, Chair, Councilman Raymond C. Somich	
Also Present: Vice President Nancy E. Fellows, Councilman Kevin D. Malecek, President David A. Reichelt, Mayor Robert M. Weger, Law Director Thomas Lobe	
Purpose of the Meeting was to discuss WH Boys League/Memorandum of Understanding and any other business.	
Meeting convened at 7:00pm	
<i>Order of Business</i>	
<p>Memorandum of Understanding (MOU) with the Willoughby Hills Boys League (WHBL) represented in Draft Ordinance No. 2012-20. This ordinance would codify the working relationship between the City and WHBL.</p> <p>The WHBL has been organizing sporting events in WH since 1954. This organization supplies coaches and managers for Football, Basketball and Baseball leagues within the City and seeing to the needs of these teams as they compete with other local leagues. These services entail providing coaches, ordering uniforms, sets rules and regulations under which each sport will participate, and directing schedules of these teams.</p> <p>The MOU would direct the WHBL to work closely with WH Recreation Coordinators regarding registration, uniform and equipment purchases, practice, game and playoff scheduling and field preparation to ensure required City protocols are followed and pay for umpires and officials from the WHBL General Fund. In turn, The City will collect funds for each sport, conduct and pay for background checks for managers and coaches, provide proper and reasonable insurance for coaches, managers and participants of each sport. The City will also purchase uniforms and equipment from fees collected and prepare all fields of play.</p> <p>After much discussion from the Administration, Council, and WHBL Members, no consensus was reached to send ordinance to Council for passage until additional information obtained from administration about costs and insurance liabilities. It was determined further discussion was required.</p>	
<i>Public Portion</i>	
The following people came forth with questions/comments: Dale Fellows, Linda Fulton and Bob Kowalski	
Meeting adjourned at 7:53pm	

RULES & LEGISLATION – David A. Reichelt, Chair

Committee Members: Nancy E. Fellows, Kevin D. Malecek

COMMITTEE MEETING OF APRIL 9, 2012	
Members Present: President David A. Reichelt, Chair, Vice President Nancy E. Fellows, Councilman Kevin D. Malecek	
Also Present: Councilman Christopher L. Biro, Councilman Raymond C. Somich, Mayor Robert M. Weger, Law Director Thomas Lobe	
Purpose of the Meeting was to discuss Pending Legislation and any other business.	
Meeting convened at 5:55pm	
<i>Order of Business</i>	
<p><u>Ordinance 2012-12</u> – sewer rate increase – This Ordinance will be read for the second of three times at the Council meeting on Thursday (April 12, 2012).</p> <p><u>Ordinance 2012-15</u> Accepting a bid for limestone for the year – bids were reviewed and vendor recommended. It was the consensus of the Committee to recommend it for consideration at the upcoming Council meeting to be held April 12, 2012.</p> <p><u>Ordinance 2012-16</u> Accepting a bid for asphalt for the year - bids were reviewed and vendor recommended. It was the consensus of the Committee to recommend it for consideration at the upcoming Council meeting to be held April 12, 2012.</p> <p><u>Ordinance 2012-17</u> Proposing a modification of the definition of eligible user in the Summer Sprinkling Program – The Ordinance was referred to the Utilities Committee for review.</p> <p><u>Ordinance 2012-18</u> Accepting a permanent easement for property owned by Joseph Bondi, as necessary for the Rogers Road Slope Failure Repair Project. It was the consensus of the Committee to recommend it for consideration at the upcoming Council meeting to be held April 12, 2012.</p>	

Ordinance 2012-19 Accepting a permanent easement for property owned by Jane Reinker, as necessary for the Rogers Road Slope Failure Repair Project. **It was the consensus of the Committee to recommend it for consideration at the upcoming Council meeting to be held April 12, 2012.**

Another potential ordinance, dealing with a Memorandum of Understanding Agreement with the Willoughby Hills Boys League, has been referred to the Recreation Committee of Council and will be discussed by that Committee later tonight.

Councilman Somich asked questions of the Law Director regarding the permissibility of a dirt bike track that he has learned of in his District. Mr. Lobe advised him to contact the Building Commissioner to research..

Public Portion

Opened: 6:04pm Closed: 6:07pm

The Committee answered general questions from the public regarding the aforementioned issues.

Meeting adjourned at 6:07pm

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 7:24pm

1. David Nichting
35771 Maple Grove Road
Re: Recognized good efforts of Officer Greg Leonbruno
2. Linda Fulton
2990 Marcum Boulevard
Re: Executive Session called during Finance Committee Meeting of March 19th – Questioned potential litigation

Public Portion closed at 7:27pm

UNFINISHED BUSINESS

- **The Law Director addressed the comment that was made during Public Portion. Law Director Lobe stated that there are only seven legally recognized exceptions to the Public Records and when it gets to litigation, it doesn't have to be filed litigation; threatened or imminent litigation is one of the grounds besides pending litigation and there was a threat of litigation.**
- **Councilman Somich wanted to take a moment and thank those in the Bishop/Chardon Road area where we are working on the Economic Development Task Force, we received surveys from over one hindered different people who have taken the time to complete the survey. The surveys were included in the last Willoughby Hills News Letter.**

LEGISLATION

ORDINANCE NO. 2012-12 – SECOND 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; AND REPEALING CONFLICTING LEGISLATION.

President Reichelt declared that Ordinance No. 2012-12 would remain on Second Reading.

ORDINANCE NO. 2012-15

AN ORDINANCE ACCEPTING THE BID OF THE ARMS TRUCKING CO. FOR THE PURCHASE OF LIMESTONE FOR THE YEAR 2012 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2012-15.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Three Reading Rule for Ordinance No. 2012-15 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to adopt Ordinance No. 2012-15.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that Ordinance No. 2012-15 has been adopted.

ORDINANCE NO. 2012-16

AN ORDINANCE ACCEPTING THE BID OF OSBORNE CONCRETE & STONE FOR THE PURCHASE OF ASPHALT FOR THE YEAR 2012 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2012-16.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Three Reading Rule for Ordinance No. 2012-16 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Somich to adopt Ordinance No. 2012-16.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that Ordinance No. 2012-16 has been adopted.

ORDINANCE NO. 2012-17

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 923 SANITARY RATES, SUB-SECTION - 923.01(e)(1)(D), DEFINITION OF ELIGIBLE USER IN THE RESIDENTIAL SUMMER SPRINKLING PROGRAM OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ORDINANCE NO. 2005-54.

President Reichelt stated that Ordinance No. 2012-17 had been read for the First Time and placed the Ordinance in the Utilities Committee for further review.

ORDINANCE NO. 2012-18

AN ORDINANCE ACCEPTING A PERMANENT SEWER AND DRAINAGE EASEMENT FOR THE CONSTRUCTION OF A STORM SEWER AND HEADWALL ACROSS THE LANDS OF JOSEPH W. BONDI AS DESCRIBED IN THE ATTACHED EXHIBIT, AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2012-18.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Three Reading Rule for Ordinance No. 2012-18 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to adopt Ordinance No. 2012-18.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that Ordinance No. 2012-18 has been adopted.

ORDINANCE NO. 2012-19

AN ORDINANCE ACCEPTING A PERMANENT RIGHT-OF-WAY EASEMENT FOR THE CONSTRUCTION OF A ROADWAY GUARDRAIL ACROSS THE LANDS OF JANE E. REINKER AS DESCRIBED IN THE ATTACHED EXHIBIT AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2012-19.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Three Reading Rule for Ordinance No. 2012-19 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Ordinance No. 2012-19.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that Ordinance No. 2012-19 has been adopted.

NEW BUSINESS

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

FOR THE GOOD OF THE ORDER

Councilman Fiebig:

Willoughby Hills' National College is having a Graduation Ceremony with over 15 students graduating on Thursday, May 24th; celebration to be at the Italian-American Club in Wickliffe

Councilman Somich:

Week of the Young Child Celebration

Date: Saturday, April 14, 2012

Email: may@lakelandcc.edu

Time: 10:00 - 1:00 PM

Location: Lakeland's Auxiliary Gym

Description: Come Celebrate with us! Join local Childcare Providers and Community Organizations with your family at Lakeland.

Admission is FREE!

There will be door prizes, crafts, games, and much more.

Healthy Kids Day- Healthy Snacks

Between the Hours of Noon & 4 -

Admission is FREE!

Earth Day Celebrations

April 22, 2012

Noon to 4:00 pm

Penitentiary Glen Reservation

Farm Park

Each park features different celebrations and displays focusing on conservation efforts to help protect the Earth.

Penitentiary Glen Reservation

8668 Kirtland-Chardon Rd

Kirtland, OH 44094

(440) 256-1404

Councilman Reichelt:

Lake County Captains - WH Appreciation Day - June 3rd

ADJOURNMENT

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

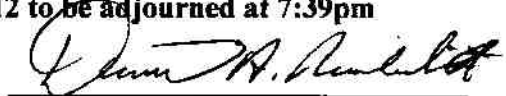
Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared the Regular Council Meeting of April 12, 2012 to be adjourned at 7:39pm

APPROVED:


Date



David A. Reichelt
President of Council

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council