

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of July 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:** Councilman Christopher L. Biro, Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Kevin D. Malecek, President David A. Reichelt, Councilman Raymond C. Somich

**Absent:** Finance Director Frank J. Brichacek, Jr.

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

#### **Disposition of the Journal** Regular Council Meeting of May 24, 2012

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of May 24, 2012 as submitted.

**Roll Call: 6 AYES – (1) Abstention from Councilman Malecek** **MOTION PASSES**  
**President Reichelt declared that the Regular Council Meeting Minutes of May 24, 2012 have been approved as submitted.**

#### **Correspondence**

- Mayor's Court Monthly Statement to Council for June 2012 (Emailed: July 10, 2012)
- Memorandum from Building Department distributed to Administration and Members of Council, dated July 2, 2012, re: Sheriffs Sales in the City of Willoughby Hills (Emailed: July 10, 2012)
- Interoffice Memo from Mayor Robert M. Weger to Council President David Reichelt dated July 9, 2012 re: Cleaning Bids (Emailed: July 10, 2012)
- Willoughby Hills Community Center Rentals for June 2012 (Emailed: July 5, 2012)
- City Engineer's Status Report for July 2012 along with the Agenda & Issues – for both the Service and Utilities Committees - Updated July 3, 2012 (Emailed: July 5, 2012)

#### **Notifications**

- Finance Committee Meeting of July 12, 2012 (Emailed: July 6, 2012)
- Cancellation of the Finance Committee Meeting of July 12, 2012 (Emailed: July 10, 2012)
- Planning & Zoning Commission and Architectural Board of Review Meeting of July 5, 2012 – (Emailed: July 2, 2012)
- Rules & Legislation Committee Meeting of July 9, 2012 (Emailed: July 6, 2012)
- Utilities Committee Meeting of July 9, 2012 (Emailed: July 6, 2012)

## **Minutes**

- **RULES AND LEGISLATION COMMITTEE MEETING MINUTES OF JULY 9, 2012 (Emailed: July 12, 2012)**

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

- **Rogers Road Update** – Opening
- **Maple Grove Bridge Update**
- **WH Seniors Luncheon Meeting – Tuesday, July 17<sup>th</sup> at Noon** – Mayor's Assistant to speak about the WHISPER Program
- **Pool Pass Subsidy Program** – 60 families and 21 individual passes
- **Missing Sign** – Pleasant Valley Road Bridge
- **Acknowledgements**
  - Condolences to the family of Dean Ruff of WH who passed away this week
  - Condolences to the Somich family on the passing of mother Mary Somich on June 29<sup>th</sup>
  - Congratulations to WH 12U Girls Team playing a championship game tonight at 6:15pm at Willowick
  - Congratulations to our three WH 14U Girls Team playing each other for the league championship tonight at 7:15pm at Roemich
  - Congratulations to our 16U team in a final game with Wickliffe tonight at Jindra
- **Upcoming Events**
  - WH Auto "Fun Day" – Saturday, July 14<sup>th</sup> from 10:00am to 4:00pm
  - Relay for Life at North High School – this Saturday, July 14<sup>th</sup>
  - United Way of Lake County – "Broadway & Beyond" at Mentor Fine Arts – Saturday, July 14<sup>th</sup>
  - Community Flea Market – August 11<sup>th</sup>
  - WH Touch-A-Truck – August 25<sup>th</sup>
  - Fall Corn Fest – September 8<sup>th</sup> & 9<sup>th</sup>

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

- Requested an Executive Session be called for the purpose of addressing the potential threat of litigation, inviting Members of Council, the Mayor, the Law Director and the City Engineer

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

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

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

- Referenced Status Report for July 2012
- No other updates at this time.

## **COMMITTEE REPORTS**

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

### **RECREATION – Christopher L. Biro, Chair**

**Committee Members:** Nancy E. Fellows, Frank A. Germano

- Announced that a Service Committee has been scheduled for Wednesday, July 18<sup>th</sup> at 7:30pm. The meeting will be held at the Willoughby Hills Community Center in the O'Ryan Room. Purpose of this meeting will be to discuss the final recommended adjustment rates for the use of the Community Center.

**RULES & LEGISLATION – David A. Reichelt, Chair****Committee Members:** Nancy E. Fellows, Kevin D. Malecek**COMMITTEE MEETING OF JULY 9, 2012****Members Present:** President David A. Reichelt, Chair, Vice President Nancy E. Fellows, Councilman Kevin D. Malecek**Also Present:** Councilman David M. Fiebig, Councilman Frank A. Germano, 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 6:51pm*****Order of Business*****Ordinance 2012-29 – Annual Tax Budget for the State and County.** This must be read three times and adopted by July 15<sup>th</sup>. We held the required public hearing at the last council meeting. It will be read for the third time at the council meeting on Thursday. It was the consensus of the committee to recommend adoption on Thursday.**Resolution 2012-9 – Approving a Then & Now Certificate for the Purchase of Shirts and Printing from Vector Screen Printing by the Recreation Department.** The cost of the shirts was unknown at the time of the order and the amount of the invoice exceeded the P.O. amount. **It was the consensus of the Committee to waive the Three Reading Rule and recommend the Resolution for adoption on Thursday, July 12, 2012.****Ordinance 2012-35 – Ordinance to authorize the Execution of Contract for Cleaning Services.** This was the result of a bid that was authorized previously. The Ordinance was not complete prior to the meeting, but the lowest bidder was deemed acceptable and the issue was discussed conceptually and it was the **consensus of the Committee to waive the Three Reading Rule and recommend the Ordinance for Adoption on Thursday, July 12, 2012.****Ordinance 2012-34 – Ordinance to clarify the duties of the Assistant Finance Director** in light of the recent vacancy of said position. The issue was discussed conceptually and the Ordinance needs to be refined. Council Clerk, the Council President, and the Law Director, will meet to discuss further tomorrow. **It was the consensus of the Committee to waive the Three Reading Rule and recommend the Ordinance.*****Public Portion*****Opened: 7:15pm**

Mr. Cihula asked about the succession plans outlined in the Charter and Mr. Kowalsky complained about the website and WHTV being out of date. The Chairman responded with the mention of a technical issue that was prohibiting the updating of the website and that he was unable to stay current on WHTV due to being on vacation.

**Closed: 7:21pm****Meeting adjourned at 7:24pm**

- *President Reichelt commented in regards to a complaint made by Mr. Kowalsky during the Public Portion of the Rules and Legislation Committee Meeting held on July 9<sup>th</sup>. At that meeting, Mr. Kowalsky alleged that no advance notice of said meeting was posted on the City's Website or on WHTV. President Reichelt acknowledged that Mr. Kowalsky was indeed correct; the website was unable to be updated for about seven days due to a software problem that rendered its content management system inoperable and therefore President Reichelt was unable to update WHTV until the morning of the meeting.*

**UTILITIES – Frank A. Germano, Chair****Committee Members:** David M. Fiebig, Raymond C. Somich**COMMITTEE MEETING OF JULY 9, 2012****Members Present:** Frank A. Germano, Chair, Councilman David M. Fiebig, Councilman Raymond C. Somich**Also Present:** Councilwoman Nancy E. Fellows, Councilman Kevin D. Malecek, President David A. Reichelt, City Engineer Richard Iafelice, Mayor Robert M. Weger**Purpose of the Meeting was to discuss Update Facility Planning Area Mapping and any other business.****Meeting convened at 7:25pm*****Order of Business***

Discussed NOACA 208 Clean Water Plan Updates, Facility Planning, Area Mapping. Basically it is updating the map lines to include newly served properties with sewer. Last update was 2005.

***Public Portion***

**Opened: 7:48pm**

Frank –proposed subdivision can possibly go into sewer; Bob –sewer borders are close to Willoughby

**Closed: 7:53pm**

**Meeting adjourned at 7:53pm**

**OTHER COUNCIL REPRESENTATIVE REPORTS**

- There were no other Council Representative Reports brought forth by the Members of 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 7:19pm and with no one coming forth from the public section, Public Portion was promptly closed at 7:19pm.

**UNFINISHED BUSINESS**

- There was no unfinished business to be addressed by the Members of Council.

**LEGISLATION**

**ORDINANCE NO. 2012-29 – THIRD READING**

**AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2013 FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Fiebig to adopt Ordinance No. 2012-29.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

President Reichelt declared that Ordinance No. 2012-29 has been adopted.

**ORDINANCE NO. 2012-34**

**AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – DEPARTMENT OF FINANCE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS BY THE ESTABLISHMENT OF SECTION 135.001 – POSITION OF FINANCE DIRECTOR, SECTION 135.002 – ASSISTANT DIRECTOR OF FINANCE AND BY THE AMENDMENT OF SECTION 135.07, SUB-SECTION (f) – INVESTMENT OF TREASURY FUNDS AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2012-34.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

President Reichelt declared that the Three Reading Rule for Ordinance No. 2012-34 has been suspended.

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to adopt Ordinance No. 2012-34.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

President Reichelt declared that Ordinance No. 2012-34 has been adopted.

## **ORDINANCE NO. 2012-35**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A JANITORIAL SERVICE AGREEMENT WITH CUSTOM CLEANING & MAINTENANCE AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Malecek to suspend the Three Reading Rule for Ordinance No. 2012-35.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2012-35 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilwoman Fellows to adopt Ordinance No. 2012-35.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2012-35 has been adopted.**

## **RESOLUTION NO. 2012-9**

**A RESOLUTION TO APPROVE A THEN AND NOW CERTIFICATE AND TO AUTHORIZE THE FINANCE DIRECTOR TO DRAW A WARRANT FOR THE ORDERS OR CONTRACTS ASSOCIATED WITH SUCH CERTIFICATE.**

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**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Somich to suspend the Three Reading Rule for Resolution No. 2012-9.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Resolution No. 2012-9 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to adopt Resolution No. 2012-9.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Resolution No. 2012-9 has been adopted.**

## **NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilwomen Fellows to adjourn into Executive Session, following “For the Good of The Order” for the purpose of addressing the potential threat of litigation; inviting all Members of Council, the Law Director, the Mayor and the City Engineer.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Motion has passed for Council to adjourn into Executive Session following “For the Good of The Order” for the purpose of addressing the potential threat of litigation; inviting all Members of Council, the Law Director, the Mayor and the City Engineer.**

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

Councilman Somich:

Fine Arts Association – Annual Summer Coffee House Concert to be held this Saturday, July 14<sup>th</sup> from 6:30pm to 8:30pm. This concert is Free to the Public.

Annual Gathering of Eagles to be held this Saturday, July 14<sup>th</sup> and Sunday, July 15<sup>th</sup> at Lost Nation Airport. Vintage Ware Planes will be on display. There will be a nominal fee.

Art Fest to be held Downtown Willoughby, Saturday July 21<sup>st</sup> from 10:00 to 5:00pm

**Council adjourned into Executive Session at 7:27pm.**

**Council reconvened at 7:39pm with all Members of Council, the Law Director and the Mayor present.**

**ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN FIEBIG** seconded by Councilman Malecek to adjourn the meeting.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared the Regular Council Meeting of July 12, 2012 to be adjourned at 7:40pm**

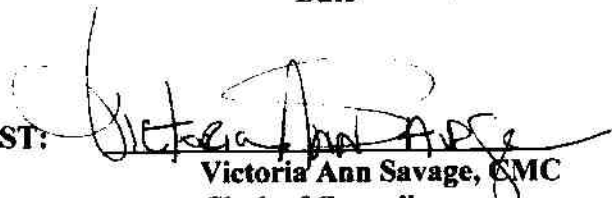
**APPROVED:**

September 13, 2012  
Date



**David A. Reichelt**  
*President of Council*

**ATTEST:**



**Victoria Ann Savage, CMC**  
*Clerk of Council*