

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of July 26, 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, Councilman Kevin D. Malecek, President David A. Reichelt, Councilman Raymond C. Somich,

**Absent:** Councilman Christopher L. Biro  
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

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Malecek to excuse Councilman Christopher L. Biro from the Regular Council Meeting of July 26, 2012.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Councilman Christopher L. Biro has been excused from attending the Regular Council Meeting of July 26, 2012.**

#### **Disposition of the Journal** Regular Council Meeting of June 14, 2012

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of June 14, 2012 as submitted.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Reichelt declared that the Regular Council Meeting Minutes of June 14, 2012 have been approved as submitted.**

#### **Correspondence**

- Memo to Mayor/Safety Director Robert M. Weger, dated July 16, 2012 re: Notice to Legislative Authorities/Permit Renewal Objections (Emailed: July 17, 2012)
- Letter from Planning & Zoning Commission to President Reichelt, dated July 20, 2012 re: Approval of Preliminary Plat for Maple Valley Subdivision, Marked as Exhibit B for Resolution No. 2012-10 (Emailed: July 20, 2012)

#### **Notifications**

- Planning & Zoning Commission and Architectural Board of Review Meeting of July 19, 2012 – (Emailed: July 17, 2012)
- Recreation Committee Meeting of July 18, 2012 (Emailed: July 16, 2012)
- Rules & Legislation Committee Meeting of July 23, 2012 (Emailed: July 19, 2012)

## **Minutes**

- Recreation Committee Meeting of July 18, 2012 (Emailed: July 24, 2012)
- **RULES AND LEGISLATION COMMITTEE MEETING OF JULY 23, 2012** (Emailed: July 26, 2012)

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

- **Maple Grove Bridge Update**
- **Maple Valley Plans – Approval of Preliminary Plans**
- **Riviera Ridge/Canterbury Court Project** – Out to Bid – Bids to be returned 8/7/12
- **CDBG Grants** – No additional funding available through Lake County for Sewer Assistance
- **Missing Sign** – Pleasant Valley Road Bridge – Historical Marker
- **Acknowledgements**
  - Condolences to the family of Veronica Johnston of Timberline Drive who passed away last week. Veronica was an active WHISPER recipient
  - Congratulations to Willoughby Hills Auto Repair on a fine fundraiser for Hospice of the Western Reserve
  - Special thanks to the LC General Health District for \$65.00 donation to the WHISPER Program. Donation was a result of their “Casual Fridays” Charity Campaign
  - Congratulations to Lions Scholarship winners: Nicole Motuza, Elizabeth Dolinar and Mary Zitko
  - Thanks to Willoughby Chamber of Commerce for the Arts Fest and donated piece of art to our Community
- **Upcoming Events**
  - 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.**

- Reported on Potential Development – Met with Economic Development Director, the Building Commission and representatives from a Buffalo based Development Company concerning potential development of vacant property owned by Di Fini located at the corner of Route 6 and 91. Property may be controlled/regulated by a litigation dating back from 1978. Developers looking at the other Osborne Property that was zoned for Senior Housing.

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

- The Finance Director was not present; therefore no formal report was given.
- Mayor reported that the Finance Director had retired effective June 30, 2012 and filed with PERS for his retirement. The Mayor further stated that on tonight's Agenda, there is a piece of legislation to modify the compensation and benefits of the Finance Auditor. Under the rules of PERS, it is possible for Mr. Brichacek to come back as the Finance Director, but he has to wait a certain period; he can come in under a different capacity. In the interim, the Assistance Finance Director, Debbie Doles is taking the responsibility of Finance Director. In order to maintain continuity and the excellent bookkeeping and the Finance Department that we have, our intention is to hire Mr. Brichacek back after the certain waiting period. Sometime in September we will be hiring back Mr. Brichacek, with Council's approval.
- ***Law Director Lobe requested to make the following comment. Mr. Brichacek replaced a full-time Finance Director and had performed the job in a part-time capacity. This new position (Internal Auditor) again is a part-time position; we are not expanding from part-time to full-time. The City is not increasing anything.***
- ***President Reichelt clarified that in the interim, Mr. Brichacek is serving as Internal Auditor and the Mayor stated yes, as he did under the previous Finance Director, Joe Mirtel.***

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

- Referenced Status Report for July 2012
- SOM Center Road Bridge over I-90 – Contract has been let by ODOT – the contractor is Cosmos Industrial Services

- OPWC Meeting – Lake County Pre-Application for Maple Grove Road, Ranked No. 1 - \$100,000 represents 50% of the Project
- OEPA Grant – Stormwater Improvement Grant of \$80,000 for Demonstration Project with collaboration from Chagrin River Watershed Partners for Rain Garden – 100% Grant Funded.
- Approval of Change Order #1 – Increasing contract with Marous Brothers for Slide No. 2. In addition is an Ordinance for additional Engineering Services preliminarily for the same project. Part of the engineering services was compensation for easements that were not originally done in the first one, so we got some small costs not associated with the \$9,000 in that ordinance.
- Stormwater Management Department to fund 100% of Change Order No. 1. Received an additional \$72,000.
- Preliminary Plan for Maple Valley is on the Agenda this evening for approval by Council. The project has already been designed, this is a modification. The plan has been well done and will move ahead quite quickly. The minor modification pertained to the sub-lots in the front, instead of 18 lots there are 19 one-acre lots.
- The Stormwater Management Department also approved funding in the amount of \$361,000 for the Euclid Creek East Branch Project which is already underway in design.
- Service Committee – No urgency for meeting, can wait until Mid-September

## COMMITTEE REPORTS

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

### RULES & LEGISLATION – David A. Reichelt, Chair

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

#### COMMITTEE MEETING OF JULY 23, 2012

**Members Present:** President David A. Reichelt, Chair, Vice President Nancy E. Fellows, Councilman Kevin D. Malecek (arrived at 6:59pm)

**Also Present:** Councilman Christopher L. Biro, Councilman Frank A. Germano

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

**Meeting convened at 6:51pm**

#### *Order of Business*

**Ordinance 2012-36** – Authorizing a Change Order in the amount of \$50,000 for Marous Brothers Construction on the Rogers Road Re-Construction Project. As discussed at the recent Service Committee meeting, the additional repairs were deemed necessary when a new slope failure was discovered at the bottom of the hill. The required Exhibit from the City Engineer has not yet been received by the Council Clerk, but will be forthcoming shortly. **It was the consensus of the Committee to waive the Three Reading Rule and recommend for Adoption on Thursday, July 26<sup>th</sup>.**

**Resolution 2012-37** – Authorizing a change order in the amount of \$9,000 for CT Consultants for the required engineering on the additional work on the Rogers Road Re-Construction Project. This was also discussed in concept by the Service Committee at their recent meeting. **It was the consensus of the Committee to waive the Three Reading Rule and recommend for Adoption on Thursday after the amount of the order is clarified by the Engineer, which should take place Thursday, July 26<sup>th</sup>.**

**Ordinance 2012-38** – Updating the compensation package for the position of Internal Auditor, now being held by Frank Brichacek. Mrs. Fellows expressed concerns about Frank's current employment in this position, but when she conferred with P.E.R.S. earlier today, they indicated it was acceptable. **It was the consensus of the Committee to waive the Three Reading Rule and Recommend the Ordinance for Adoption on Thursday, July 26<sup>th</sup>.**

**Ordinance 2012-39** – Increasing the appropriation to fund the re-construction of Rogers Road as described in Ordinances 21012-36 and 2012-37. **It was the consensus of the Committee to waive the Three Reading Rule and recommend the Ordinance for Adoption on Thursday, July 26<sup>th</sup>.**

**Resolution 2012-10** – Approving the preliminary plat for the new Maple Valley residential subdivision, as approved by the Planning Commission on July 20th. **It was the consensus of the Committee to waive the Three Reading Rule and recommend the Resolution for Adoption on Thursday, July 26<sup>th</sup>.**

#### *Public Portion*

**Opened: 7:10pm**

Various questions regarding the issues discussed during the meeting were fielded by Council Members.

**Closed: 7:20pm**

**Meeting adjourned at 7:20pm**

## **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 7:24pm**

1. Joan Mazie

2837 Stark Drive

Re: Questioned if there was a City Ordinance pertaining to how many people can be in a building at one time – Church Parking Lot; Fence or Tree at end of Stark Drive

**Public Portion was closed at 7:26pm**

## **UNFINISHED BUSINESS**

- The Mayor wanted to inform City Council that the City has had contact with the Church and they are in the process of building a gate; the old one fell down and there are barrels there right now. The Church said that the gate and some landscaping (trees/scrubs) would be ready in about two weeks, but they are having a gate constructed.

## **LEGISLATION**

### **ORDINANCE NO. 2012-36**

**AN ORDINANCE APPROVING CHANGE ORDER NO. 1 INCREASING THE CONTRACT AMOUNT FOR THE ROGERS ROAD STABILIZATION CONTRACT WITH MAROUS BROTHERS CONSTRUCTION, INC.; AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Malecek to suspend the Two Day Notification Rule for Ordinance No. 2012-36.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Two Day Notification Rule for Ordinance No. 2012-36 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2012-36.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2012-36 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Fiebig to adopt Ordinance No. 2012-36.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2012-36 has been adopted.**

### **ORDINANCE NO. 2012-37**

**AN ORDINANCE AUTHORIZING THE MAYOR TO INCREASE THE ORIGINAL CONTRACT FEE WITH CT CONSULTANTS, INC. TO PROVIDE ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE ROGERS ROAD SLOPE FAILURE IMPROVEMENTS; AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2012-37.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2012-37 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilwoman Fellows to adopt Ordinance No. 2012-37.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2012-37 has been adopted.**

#### **ORDINANCE NO. 2012-38**

**AN ORDINANCE AMENDING ORDINANCE NO. 2008-32 FIXING THE SALARY AND BENEFITS FOR THE POSITION OF PART-TIME INTERNAL AUDITOR AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2012-38.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2012-38 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Somich to adopt Ordinance No. 2012-38.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2012-38 has been adopted.**

#### **ORDINANCE NO.2012-39**

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2012-13 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2012-39.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2012-39 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to adopt Ordinance No. 2012-39.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2012-39 has been adopted.**

#### **RESOLUTION NO. 2012-10**

**A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR MAPLE VALLEY, A SINGLE FAMILY RESIDENTIAL SUBDIVISION LOCATED AT 36470 MAPLE GROVE ROAD, WILLOUGHBY HILLS, OHIO.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2012-10.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Resolution No. 2012-10 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to adopt Resolution No. 2012-10.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Resolution No. 2012-10 has been adopted.**

**NEW BUSINESS**

- There was no new business brought forth to Council.

**FOR THE GOOD OF THE ORDER**

**Councilman Fiebig:**

Kudos to Gales Garden Center for receiving the Lake County News-Herald's One of the Best Award

**Councilman Somich:**

August 5<sup>th</sup> – The Columbia VFW Post 9340 will be hosting the **3rd annual Ride Against Blood ...** 10 am  
Pat O'Brien Chevy East - 2810 Bishop Rd ... Benefiting the Leukemia & Lymphoma Society, in memory of Tom Varanese

August 12<sup>th</sup> – Lake County Farm Park – Annual America the Beautiful Concert and Fireworks

August 15<sup>th</sup> – Lake County Fair – Veterans Day

August 17<sup>th</sup> – Lake County Fair – Senior Day – Free Lunch for Seniors

September 5<sup>th</sup> – Polka Hall of Fame Sausage Festival – SNPJ Farm in Kirtland

**Councilwoman Fellows:**

August 3<sup>rd</sup> and 4<sup>th</sup> – Vintage Ohio – Lake County Farm Park from 1 to 10pm

**President Reichelt:**

August 16<sup>th</sup> – Lake County Fair – Meet Elected Officials & Candidates – from 6 to 8:00pm

NOPEC 2010-2011 Annual Report on file in Council Office

**ADJOURNMENT**

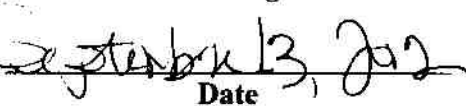
**MOTION WAS MADE BY COUNCILMAN FIEBIG** seconded by Councilwoman Fellows to adjourn the meeting.

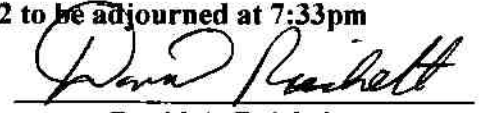
**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared the Regular Council Meeting of July 26, 2012 to be adjourned at 7:33pm**

**APPROVED:**

  
Date

  
David A. Reichelt  
President of Council

**ATTEST:**

  
Victoria Ann Savage, CMC  
Clerk of Council