

City of Willoughby Hills

Regular Council Meeting

Minutes of June 14, 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: President David A. Reichelt, Councilman Raymond C. Somich, Councilman Christopher L. Biro, Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Kevin D. Malecek

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

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

The Regular Council Meeting Minutes for May 24, 2012 will be addressed at the next Regular Council Meeting of June 28, 2012.

Correspondence

- Email: Thomas G. Lobe, Law Director to Mayor and Council, dated May 31, 2012 re: Internet Sweepstakes – Attachment consisting of a Letter from Cuyahoga County Prosecutor Bill Mason pertaining to Internet Sweepstakes/Cafes
- Mayor's Monthly Statement to Council for May 31, 2012 (Emailed: June 4, 2012)
- Interoffice Memo from Mayor Robert M. Weger to Council President David Reichelt, dated June 1, 2012 re: Cleaning Contract (Emailed: June 8, 2012)
- Interoffice Memo from Mayor Robert M. Weger to Council President David Reichelt, dated June 5, 2012 re: Request for Ordinance to Dispose of Surplus WHPD Vehicle, along with Police Department Memorandum from Chief Christopher J. Collins to Mayor/Safety Director Robert M. Weger, dated June 5, 2012 pertaining to the same subject matter (Emailed: June 8, 2012)
- Building Department to Administration and Members of Council dated June 5, 2012 re: Sheriffs Sales in the City of Willoughby Hills (Emailed: June 12, 2012)
- City Engineer's Status Report for June 2012 along with the Agenda & Issues – for both the Service and Utilities Committees - Updated June 5, 2012 (Emailed: June 12, 2012)
- **INTEROFFICE MEMO FROM FINANCE DIRECTOR FRANK J. BRICHACEK TO MAYOR ROBERT WEGER AND MEMBERS OF CITY COUNCIL, DATED JUNE 14, 2012 RE: 2012 TAX BUDGET**
- **INTEROFFICE MEMO FROM FINANCE DIRECTOR FRANK J. BRICHACEK TO MAYOR ROBERT WEGER AND MEMBERS OF CITY COUNCIL, DATED JUNE 14, 2012 RE: 2012 NOTE DEBT ISSUES – FIRE TRUCK ACQUISITION**

Notifications

- Board of Building & Zoning Appeals will not meet on June 12, 2012 for no appeals were received (Emailed: May 30, 2012)
- Civil Service Commission Meeting of June 15, 2012 (Emailed: May 10, 2012)
- Cuyahoga County Airport/Noise Abatement Council Meeting of June 27, 2012 (Emailed: June 4, 2012)
- Planning & Zoning Commission and Architectural Board of Review Meeting of May 17, 2012 (Emailed: May 30, 2012)
- Finance Committee Meeting of May 30, 2012 (Emailed: May 29, 2012)
- Finance Committee Meeting of June 14, 2012 (Emailed: June 8, 2012)
- Planning & Zoning Commission and Architectural Board of Review Meeting of June 7, 2012 (Emailed: June 4, 2012)
- Rules & Legislation Committee Meeting of June 11, 2012 (Emailed: June 8, 2012)

Minutes

- Finance Committee Meeting of May 30, 2012 (Emailed: May 31, 2012)
- Planning & Zoning Commission and Architectural Board of Review Meeting of May 17, 2012 (Emailed: June 8, 2012)
- Rules & Legislation Committee Meeting of May 21, 2012 (Emailed: June 4, 2012)
- **RULES & LEGISLATION COMMITTEE MEETING OF JUNE 11, 2012 (EMAILED: JUNE 4, 2012)**

On File

- Sgt. Michael Planisek to Chief Collins, dated May 16, 2012 re: Retirement Notice Emailed: June 4, 2012)
- WH Senior Center Activity Pages for June 2012, Issue Number 6

MAYOR'S REPORT – Robert M. Weger

- **Rogers Road Update** – Progressing very well – seems like they are ahead of scheduled
- **Maple Grove Bridge Update** – End of November before project is complete
- **Relocation of Building/Service Department Consolidation**
- **Acknowledgements**
 - Congratulations to Officer Randy Mullenax – Lake County Chiefs of Police “Life Saving Award” to be presented on June 23, 2012
 - Congratulations to Ray Jr. and Sara Somich on the birth of Raymond Oliver Somich
 - Condolences to the family of Willoughby Service Department employee Shawn Wilson who passed away after an on-the-job accident took his life
- **Upcoming Events**
 - Shred Day in Willoughby Hills – June 16th
 - Lake County United Way Day of Caring – Wednesday, June 20th – All volunteers Welcome!
 - Safety Town – June 18th – June 22nd
 - Community Flea Market – August 11th
 - WH Touch-A-Truck – August 25th
 - Fall Corn Fest – September 8th & 9th
 - Flu Shots will be available in September & October at Senior Room – more details to follow
 - Father's Day – Sunday, June 17th

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

- Litigation: Eastside Mazda Compliant has been filed in Court
- Provided a brief report on Internet Sweepstakes - Lake County Prosecutor not following Cuyahoga's lead with respect to Internet Sweepstakes.

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

- No formal report was given.

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

- Referenced Status Report
- OPWC –Pre-applications are due tomorrow. City Engineer completed two applications one is to wrap up Maple Grove Road as we had discussed previously taking care of both the east and west side of the bridge after it is completed next year; reconstructing that road, the project cost is in the neighborhood of \$180,000-\$190,000. To maximize the City's point ranking and to try to get state assistance, we applied for 50% funding, 50% local share.
- The second project is a joint project to improve Worrell Road; major project, a \$600,000 project which Kirtland will share equally. It ranks very well as a joint project; \$600,000 project, local share for the City, probably about a \$100,000. Significant drainage problems, erosion problems.

COMMITTEE REPORTS

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

FINANCE – Kevin D. Malecek, Chair

Committee Members:

Christopher L. Biro, Nancy E. Fellows

COMMITTEE MEETING OF MAY 30, 2012

Members Present: Kevin D. Malecek, Chair, Nancy E. Fellows, Vice Chairman, Councilman Christopher L. Biro (arrived 6:15pm)

Also Present: Councilman David M. Fiebig, President David A. Reichelt, Mayor Robert M. Weger, Fire Chief Richard Harmon

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

Meeting convened at 5:49pm

Order of Business

Potential Purchase of Fire Truck – looking to replace the 1986 and 1989 trucks with one engine – bit of an albatross to sell – 1986 is already surplus – does not have a closed in cab and is yellow – not worth as much on the resale market. 1989 – prices are everywhere – talk to a broker. Springs replaced, front end brakes, tires on the engine, etc. Set of parameters for vendors – this is a demo model, which reduces the price – Pierce. Hold 1500 of hose – this truck meets all of the specs for what we are looking for – mission ready, it is a demo, needs repainting. May be OK with vehicles for seven years after making this replacement – with the exception of air bottles.

Finance Director prepared a memo to address the debt financing that would have to be done for the purchase of the truck. He suggested that this needs to be done to provide the level of service necessary for the WHFD.

This would be a state-bid truck – under the state procurement program. Discussion ensued on particulars of the truck and the ability to purchase under debt financing. Should try to get space between Fire Department purchases and look at providing master vehicle purchasing plan for the entire City.

Have the time to purchase – truck comes from Illinois – 6 to 8 week process for delivery – will do the work here in Findlay.

Consensus for Recommendation from the Finance Committee to move forward with purchase with note financing set forward by the Finance Director.

Public Portion (6:41pm): Frank Cihula, Linda Fulton.

Meeting adjourned at 6:47pm

COMMITTEE MEETING OF JUNE 14, 2012

Members Present: Kevin D. Malecek, Chair, Nancy E. Fellows, Vice Chairman, Councilman Christopher L. Biro
Also Present: Councilman David M. Fiebig, President David A. Reichelt, Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Frank J. Brichacek

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

Meeting convened at 6:29m

Order of Business

Fire Truck Purchase (Ordinances 30, 31, 32)

Memo authorizing the note issue – previously discussed in the Finance Committee. Appropriation ordinance – increasing by 450k so the Mayor can issue the Purchase Order. Note Ordinance is authorized. Authorizing issuance of the note – almost identical to the ordinance prior. Bond anticipation note. Maximum interest rate of 4% - anticipated rate around 1%. Will also authorize bond counsel – cannot be passed as an emergency, but needs to be passed tonight to get things moving on it. Less than a one year note so we can combine notes together for one at a low rate – just one issuance costs.

Numeric Change on Ordinance 2012-32 should be not to exceed \$450,000 - secure the purchase, finance and equip in Section 1.

“Whereas” clause should read “**establishes the estimated total cost of purchasing, financing and equipping the truck to be approximately \$450,000; and**”

Section 1 of the Ordinance should read: “...**secure the purchase, financing, and equip a new fire truck from Pierce Manufacturing, Inc. of 2600 American Drive, Appleton, WI 54912 at a total cost not to exceed \$450,000.**”

Recommend to adopt Ordinances 30, 31, and 32 at tonight’s Council Meeting (32 as amended).

Tax Budget of the City of Willoughby Hills

Required Step – in order to levy property taxes – need to exhibit to the County – Council must adopt by July 15th and file with the County by July 20th. No changes in rate for this year.

Recommend leaving Ordinance on First Reading and Adopt upon Third Reading projected on July 12th.

Financial Status and Health of the City

Generally no red flags – income tax collections are consistent and on budget. On General Fund estimate, a bit behind – ahead on Safety Forces. Encouraging notes are the Court – significantly ahead of last year, will exceed estimated amount at current pace. Employee health care should also come in below amount budgeted.

Future meeting on July 12th before Council to review statements and any other matters.

Public Portion was opened at 6:50pm with comments being heard from Linda Fulton

Meeting adjourned at 6:51pm

RECREATION – Christopher L. Brio, Chair

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

- Chair Biro announced that a Recreation Committee Meeting will be scheduled for Wednesday, July 18th to discuss the recommendations from the Recreation Commission regarding changes and the pricing and availability of the rooms.

RULES & LEGISLATION – David A. Reichelt, Chair

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

COMMITTEE MEETING OF JUNE 11, 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

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

Meeting convened at 6:38pm
<i>Order of Business</i>
<u>Ordinance 2012-25</u> – to adopt the update Comprehensive Land Use Master Plan will be read for the second time at the Council Meeting on Thursday, June 14, 2012.
<u>Ordinance 2012-29</u> – Annual Tax Budget for the State and County. This must be read three times and adopted by July 15 th . It will be read for the first time at the Council meeting on Thursday, June 14, 2012.
<u>Ordinance 2012-30</u> - to appropriate monies to purchase a new fire truck, as discussed previously by the Finance Committee. This is part of the process required to consummate the purchase and it was the consensus of the Committee to Waive the Three Reading Rule and recommend the Ordinance for Adoption on Thursday, June 14, 2012.
<u>Ordinance 2012-31</u> - to issue and sell notes in anticipation of the issuance and sale of bonds in the amount of \$450,000 for the purchase of the fire truck described above. It was the consensus of the Committee to Waive the Three Reading Rule and recommend the Ordinance for Adoption on Thursday.
<u>Ordinance 2012-32</u> – directing the Mayor to execute any and all documents to purchase new fire truck described above. It was the consensus of the Committee to Waive the Three Reading Rule and recommend the Ordinance for Adoption on Thursday, June 14, 2012.
<u>Ordinance 2012-33</u> – declaring old police car and equipment surplus and authorizing the Administration to sell same on the open market. It was the consensus of the Committee to Waive the Three Reading Rule and recommend the Ordinance for Adoption on Thursday, June 14, 2012.
The Committee briefly discussed the Standing Policies of Council and will discuss them at the next meeting.
<i>Public Portion was opened at 6:53pm and with no one coming forth from the public sector, was promptly closed at 6:53pm</i>
Meeting adjourned at 6:57pm

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 7:21pm

1. Robert Kowalsky
2585 Timberline Drive

RE: Price of Gas in the City; Will there be Economic Development Transparency?

Public Portion was closed at 7:24pm

UNFINISHED BUSINESS

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

LEGISLATION

ORDINANCE NO. 2012-25 – SECOND READING

AN ORDINANCE APPROVING AND ADOPTING THE 2011 MASTER PLAN FOR COMPREHENSIVE LAND USE FOR THE CITY OF WILLOUGHBY HILLS OHIO.

President Reichelt declared that Ordinance No. 2012-25 will remain on Second Reading.

Councilwoman Fellows questioned the Mayor if anyone has come forth to review the Master Plan, the Mayor replied no. President Reichelt asked the Clerk if anyone had requested a copy of the Master Plan, she replied no.

ORDINANCE NO. 2012-29

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

President Reichelt declared that Ordinance No. 2012-29 will remain on First Reading.

ORDINANCE NO. 2012-30

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 MALECEK, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2012-30.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2012-30 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Ordinance No. 2012-30.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2012-30 has been adopted.

ORDINANCE NO. 2012-31

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$450,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING A FIRE TRUCK, AND ALL RELATED EXPENSES THERETO.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2012-31.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2012-31 has been suspended.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Biro to adopt Ordinance No. 2012-31.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2012-31 has been adopted.

ORDINANCE NO. 2012-32

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF A NEW FIRE TRUCK FROM FINLEY FIRE EQUIPMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilwoman Fellows to amend Ordinance No. 2012-32 as follows: the first “Whereas” Clause should read ...establishes the estimated total cost of purchasing, financing and equipping the truck to be approximately \$450,000; and Section 1 of the Ordinance should read:...secure the purchase, financing, and equip a new fire truck from Pierce Manufacturing, Inc. of 2600 American Drive, Appleton, WI 54912 at a total cost not to exceed \$450,000.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2012-32 has been amended.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilwoman Fellows to suspend the Two Day Notification Rule for Ordinance No. 2012-32.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Two Day Notification Rule for Ordinance No. 2012-32 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2012-32.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2012-32 has been suspended.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilwoman Fellows to adopt Ordinance No. 2012-32.

President Reichelt wanted to express our gratitude to the Fire Chief for saving the City upwards of \$120,000 in securing this deal.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2012-32 has been adopted.

ORDINANCE NO. 2012-33

AN ORDINANCE TO DECLARE 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.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2012-33.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Ordinance No. 2012-33 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Ordinance No. 2012-33.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2012-33 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to authorize the Mayor to seek bids for a Cleaning Contract for the City Hall Complex – Contract to include the new Building/Service and Community Center. (Note: The current Contract is with Dependable Cleaning Company and had expired in April 2012 – we have been on a month to month payment)

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2012-33 has been adopted.

FOR THE GOOD OF THE ORDER

Councilman Somich announced:

52nd Annual Kirtland Kiwanis Strawberry Festival begins this evening and runs through Sunday. The festival is free to the public.

LakeMetro Farm Parks 26th Annual Amateur Photography Contest Show – June 9 through July 29, 2012 at Penitentiary Glen Reservation

Mayor Weger wanted to mention that the City of Willoughby is having their Car Cruise this Saturday from 4:00pm to 11:00pm. The Mayor also mentioned that every Thursday Night at Baker Square, down at the other end of town there is a Car Rally/Show and it is increasing getting larger; there are probably 150 cars down there right now.

ADJOURNMENT

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

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared the Regular Council Meeting of June 14, 2012 to be adjourned at 7:35pm


APPROVED:


Date



David A. Reichelt
President of Council

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council