

City of Willoughby Hills

Regular Council Meeting

Minutes of March 8, 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

Absent: Councilman Kevin D. Malecek

Also Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, (arrived 7:25pm) Finance Director Frank J. Brichacek, 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 March 8, 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 March 8, 2012.

Disposition of the Journal Regular Council Meeting of February 23, 2012

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to approve the Regular Council Meeting Minutes of February 23, 2012 as submitted.

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

MOTION PASSES

President Reichelt declared that the Regular Council Meeting Minutes of February 23, 2012 have been approved as submitted.

Agenda Amended

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to Amend the Agenda for the Regular Council Meeting of March 8, 2012 to include Ordinance No. 2012-10 and Ordinance No. 2012-11 in order that these two Ordinances may be brought forward for Council's consideration.

Correspondence

- Mayor's Court Monthly Statement for February 2012 (Emailed: March 6, 2012)
- WH Community Center Rentals for February 2012 (Emailed: March 4, 2012)
- City Engineer's Status Report for March 2012 along with the Agendas & Issues for the Service and the Utilities Committees – As updated March 1, 2012 (Emailed: March 1, 2012)

- **INTEROFFICE MEMO FROM FINANCE DIRECTOR FRANK J. BRICHACEK TO MEMBERS OF THE WILLOUGHBY HILLS CITY COUNCIL, DATED MARCH 8, 2012 RE: 2012 NOTE DEBT ISSUES**

Notifications

- Board of Building and Zoning Appeals Meeting of March 13, 2012 for Case No. 2012-1 (Emailed: March 1, 2012)
- Cuyahoga County Airport - Noise Abatement Council (NAC) Meeting scheduled for March 28, 2012 at 10:00 a.m. (Emailed: March 1, 2012)
- Planning & Zoning Commission and Architectural Board of Review Meeting of Thursday, March 1st has been cancelled (Emailed: February 27, 2012)
- Recreation Commission Meeting of March 7, 2012 (Emailed: March 6, 2012)
- Rules & Legislation Committee Meeting of March 5, 2012 (Emailed: February 29, 2012)
- Utilities Committee Meeting of March 5, 2012 (Emailed: February 29, 2012)

Minutes

- Finance Committee Meeting Minutes of February 23, 2012 (Emailed: March 6, 2012)
- Rules and Legislation Committee Meeting Minutes of March 5, 2012 (Emailed: March 6, 2012)
- Working Committee of Council Meeting Minutes of January 28, 2012 (Emailed: March 1, 2012)

On File

- Willoughby Hills Senior Center Activity Pages for March 2012, Issue Number 3

MAYOR'S REPORT – Robert M. Weger

- Rogers Road Update
- Lamplight Lane Update
- AARP Assistance to Residents for Income Tax Form Completion – every Tuesday to April at Community Center – Call Mayor's Office for Appointment
- RITA Assistance – Monday, March 12th from 3:00pm to 7:00pm – Council Chambers – No Appointment Necessary
- **Acknowledgements**
 - Welcome to Auxiliary Police Officer Joseph Repicky and PT Dispatcher Danette Walker
 - Get Well Soon to Dispatcher Janet Schuller following surgery
 - Condolences to Ron Parmertor and Family
 - Thanks to residents Judy Melinz and Ben Johnston for making sure the funeral procession route thru Willoughby Hills was lined with red ribbons. South Students will earn community service hours next week to take the ribbons down.
 - Thanks to Police and Fire Departments for their role in the funeral procession
- **Upcoming Events**
 - WH Art Gallery – new artists reception on Friday, March 9th from 7:00pm to 9:00pm
 - Baseball and Softball Applications being taken now
 - Pancake Breakfasts (including Harvest for Hunger Campaign) next two Sundays
 - TV and Kindle Fire Raffles – Winner drawn at third breakfast on March 18th
 - VFW Post 4358 in Willoughby Hills – 2nd Day St. Patrick's Day Celebration Dine-In or Carry-Out Corned Beef Dinners – Pre-Order Now!
 - First Covenant Church community Lunch, Saturday, March 17th at 12:30pm Guest Speaker is Joyce Hribar Fiebig, Attorney at Law – “Legal Planning Tools Everyone Should Know”
 - Reminder about the Time Change this weekend for Daylight Savings Time

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

- *At this time, the Law Director was not in attendance and the President of Council requested the Finance Director's Report to be given.*

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

- No formal report was given.
- Supported the passage of Ordinance No. 2012-10 and Ordinance No. 2012-11 which were added to the agenda, authorizing to refinance the City's existing short-term note debt. Emailed to the Members of council was the Finance Director's Certification of the useful life of the assets as well as the life of the bonds which is required to be presented to Council prior to the adoption of the legislation.
- The City's Financing Plan was reviewed by the Finance Committee at its meeting in January and basically the City has two notes totaling \$1.5 million dollars. What the Plan calls for is reducing the notes by a total of \$300,000; \$200,000 comes from a transfer from the Road Levy Fund which is paying down the road portion of the notes, \$50,000 comes from a transfer from the Tax Increments Financing from payments in lieu of taxes, and \$50,000 comes from the Safety Forces Fund to finance the pay-down of the Communications Center Project which is financed by that note. The Finance Director further explained that the City has two ordinances to consider because the larger issue note, the ordinance is authorizing issuance of a \$1,000,000 note – that is a general obligation, tax-exempted note; the second ordinance has to do with the TIF financing – that debt is being reduced from \$250,000 and the note authorizes replacing it with \$200,000 note, that is a taxable issue because the nature of the TIF projects, they don't qualify for tax-exempt financing. In both ordinances it states a maximum interest rate of 6%. First of all, these ordinances are for tax anticipation notes, so that is anticipation of bonds, the 6% is really a maximum rate which prevents the Finance Director from issuing a note if the lowest rate was 10%, the 6% would legally enable the Finance Director not to award the notes at that rate of interest and to withdraw the proposals. In reality, interest rates are even lower than they were last year. The \$1,000,000 note last year was issued at an effective rate of 6.5%, right now it looks like it could be as low as .50% this year. The taxable issue last year was issued with an effective rate of 1.5% and it looks like that could be as low as .75% to 1%; it will depend on what the market is on the day that the notes are issued.
- The Finance Director just wanted to point out that he highly doubts that the notes will be issued at 6%. Once the notes are passed, we will then be able to go out and to bid the notes. We will negotiate these issues; we did it very successfully last year using Stiffel Nicolaus and the plan is to do that again this year. Interest rates are very much in favor of the City and it frees up these debt service dollars for other purposes.

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

- Referenced Status Report of March 2012 and provided the following updates:
- ODOT has announced a Pre-Construction Meeting for the replacement of the bridge on Maplegrove, over I-90; the City Engineer will be attending that meeting next week and then be able to report back through the Mayor's office to update the City's website to advise people of the construction schedule and/or detours that will occur as result of the project.
- ODOT has notified the City Engineer that they are awarding the contract for the repair of the SOM Center Road Bridge over I-90. There are no further details at this time.
- Ordinance No. 2012-6 – providing professional engineering services for Rogers Road Slope Failure Project as well as Ordinance No. 2012-7 for professional engineering services for the Lamplight Lane
- Looking for a Motion from Council to advertise for bids for the Rogers Road Slope Failure Project would be in order to move the project forward
- Reported on Mary-Rose Estates Project will be moving forward; multiple agencies involved, the City of Willoughby and Lake County Water Department

President Reichelt announced the arriving of the Law Director (7:25pm). The Law Director did not have a formal report and stated that there is no litigation.

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 MARCH 5, 2012

Members Present: President David A. Reichelt, Chair, Councilman Kevin D. Malecek

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Raymond C. Somich (late), Mayor Robert M. Weger, City Engineer Richard Iafelice, Finance Director Frank Brichacek (late)

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

Meeting convened at 6:06pm

Order of Business

The following Ordinances were discussed:

Ordinance 2012-5: Mayor to enter into a purchase agreement with Concord Road Equipment Mfg, Inc. for equipment needed for trucks purchased by Ordinance 2012-4.

Ordinance 2012-6: Mayor to enter into a contract with CT Consultants to proceed with the Rogers Road slope failure improvements project. The City Engineer gave a detailed presentation as to the specifics of this project.

Ordinance 2012-7: Mayor to enter into a contract with CT Consultants to proceed with the Euclid Creek East Branch improvements project. The City Engineer gave a detailed presentation as to the specifics of this project.

Ordinance 2012-8: Creating an ordinance to automatically dispose of outstanding Ordinances & Resolutions that have not been disposed of by Council after 12 months.

Ordinance 2012-9: Creating the position of Director of Economic Development. A typographical error on page two was noted and corrected on the floor. Said change will be forwarded to the Clerk tomorrow morning.

It was the consensus of the Committee to advance all of the above Ordinances to Council for consideration at the Regular Council Meeting to be held on March 8, 2012.

Public Portion

Opened: 7:21pm Closed: 7:25pm

Mr. Kowalsky spoke regarding each of the above Ordinances, but his comments were largely unintelligible.

Meeting adjourned at 7:26pm

UTILITIES – Frank A. Germano, Chair

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

COMMITTEE MEETING OF MARCH 5, 2012

Members Present: Councilman Frank A. Germano, Chair, Councilman David M. Fiebig, Councilman Raymond C. Somich

Also Present: Councilman Christopher L. Biro, Councilman Kevin D. Malecek, President David A. Reichelt, Mayor Robert M. Weger, City Engineer Richard Iafelice, Finance Director Frank Brichacek

Purpose of the Meeting was to discuss Sewer Rates and any other business.

Meeting convened at 6:06pm

Order of Business

Observed presentation by Rich and Frank to discuss the sewer rates. **Consensus of the Committee was to accept an ordinance with the rates presented to us by the Engineer and Finance Director.**

Public Portion

Opened: 8:09pm Closed: 8:14pm

Bob Kowalsky spoke and asked about the sewer rates.

Meeting adjourned at 8:14pm

- **Announced that a Utilities Committee has been scheduled for 7:30pm on Monday, March 12, 2012**

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 7:27pm

1. Linda Fulton
2990 Marcum Boulevard
Re: Thanked City for a great Pancake Breakfast and encouraged everyone to come; Police cars using emergency lights inappropriately

2. Lou Merkys
2740 Morning Star Court
Re: Questioned use of \$50,000 Grant for Sewer Tie-In; criteria used to be considered for the Grant

Public Portion closed at 7:30pm

UNFINISHED BUSINESS

- The Mayor addressed the comments that were made during Public Portion.

LEGISLATION

ORDINANCE NO. 2012-5

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH CONCORD ROAD EQUIPMENT MFG., INC. FOR TWO CONCORD MINUTEMAN SEVERE DUTY DUMP BODY SNOW & ICE CONTROL EQUIPMENT PACKAGES AS PROVIDED THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM FOR A TOTAL COST NOT TO EXCEED \$103,824.84 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2012-5.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Three Reading Rule for Ordinance No. 2012-5 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to adopt Ordinance No. 2012-5.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that Ordinance No. 2012-5 has been adopted.

ORDINANCE NO. 2012-6

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH CT CONSULTANTS, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION ENGINEERING OF THE ROGERS ROAD SLOPE FAILURE IMPROVEMENTS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2012-6.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Three Reading Rule for Ordinance No. 2012-6 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to adopt Ordinance No. 2012-6.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that Ordinance No. 2012-6 has been adopted.

ORDINANCE NO. 2012-7

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH CT CONSULTANTS, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION ENGINEERING FOR THE EUCLID CREEK EAST BRANCH IMPROVEMENTS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2012-7.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Three Reading Rule for Ordinance No. 2012-7 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to adopt Ordinance No. 2012-7.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that Ordinance No. 2012-7 has been adopted.

ORDINANCE NO. 2012-8

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE ONE – GENERAL PROVISIONS, CHAPTER 125 – ORDINANCES AND RESOLUTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS BY THE ADDITION OF A NEW SECTION 125.03 – AUTOMATIC REJECTION OF LEGISLATION.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2012-8.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Three Reading Rule for Ordinance No. 2012-8 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to adopt Ordinance No. 2012-8.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that Ordinance No. 2012-8 has been adopted.

ORDINANCE NO. 2012-9

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF DIRECTOR OF ECONOMIC DEVELOPMENT AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2012-9.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Three Reading Rule for Ordinance No. 2012-9 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Somich to adopt Ordinance No. 2012-9.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that Ordinance No. 2012-9 has been adopted.

ORDINANCE NO. 2012-10

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$200,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PROVIDING FUNDS FOR THE IMPROVEMENT OF OHIO STATE ROUTE 91 BY THE ENGINEERING, PURCHASE AND INSTALLATION OF SIGNALS, SIGNS, AND OTHER EQUIPMENT AND DEVICES TO DIRECT AND CONTROL THE FLOW OF VEHICULAR AND PEDESTRIAN TRAFFIC, AND RENOVATION OF VARIOUS SANITARY SEWER PUMP STATIONS SERVICING CERTAIN COMMERCIAL BUSINESSES LOCATED ON OHIO STATE ROUTE 91 IN THE CITY OF WILLOUGHBY HILLS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Two Day Notification Rule for Ordinance No. 2012-10.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Two Day Notification Rule for Ordinance No. 2012-10 has been suspended.

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

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Three Reading Rule for Ordinance No. 2012-10 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Ordinance No. 2012-10.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that Ordinance No. 2012-10 has been adopted.

ORDINANCE NO. 2012-11

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,000,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF (I) IMPROVING, IN COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION, U.S. ROUTE 6 IN THE CITY BY RESURFACING AND INSTALLING AND REPLACING CURB RAMPS THERETO, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL AND (II) RENOVATING, IMPROVING AND EQUIPPING THE CITY'S EXISTING FIRE AND POLICE COMMUNICATIONS CENTER, AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Two Day Notification Rule for Ordinance No. 2012-11.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Two Day Notification Rule for Ordinance No. 2012-11 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2012-11.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that the Three Reading Rule for Ordinance No. 2012-11 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Somich to adopt Ordinance No. 2012-11.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt stated that Ordinance No. 2012-11 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to authorize the Mayor to seek bids for Road Striping.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt stated that authorization has been granted to the Mayor to seek bids for Road Striping.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to authorized the Mayor to seek bids for the City’s requirement of Limestone and Asphalt for 2012.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt stated that authorization has been granted to the Mayor to seek bids for the City’s requirement of Limestone and Asphalt for 2012.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to authorized the Mayor to seek bids for the Rogers Road Slope Failure Improvements.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt stated that authorization has been granted to the Mayor to seek bids for the Rogers Road Slope Failure Project.

FOR THE GOOD OF THE ORDER

- Councilman Biro: First Corn Fest Committee Meeting to be held on Monday, March 12th at 6:00pm. Announced Easter Party is scheduled for 1:00pm on March 31st at the WH Community Center; Skipper and the Easter Bunny will be on hand
- Councilman Fiebig: Art Gallery Opening to be held tomorrow evening at the WH Community Center - Free Refreshments
- Councilman Somich: National Women’s History Month – Exhibit Open all Month in the Gallery of Lakeland Community College – Open Monday through Friday
Juvenile Diabetes Research Foundation sponsoring High Performance Cars & Bikes – Great Lakes Mall, Saturday & Sunday

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 March 8, 2012 to be adjourned at 7:51pm

APPROVED: March 22, 2012
Date

David A. Reichelt
David A. Reichelt
President of Council

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