

# 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 March 22, 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 Raymond C. Somich, 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

**Absent:** City Engineer Richard J. Iafelice

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

#### ***Swearing-In of Part-Time Police Officer Jeffery B. Belle***

The Mayor administered the Oath of Office for Part-Time Patrol Officer Jeffery B. Belle. Chief Collins stated that Jeffery Belle is a seventeen year veteran of law enforcement, recently laid-off from the Lake County Sheriff's Office. Jeffery brings a wealth of experience to the City of Willoughby Hills. He will be a part of the Police Department's Part-time Staff, served as a Sergeant for Hunting Valley and worked for the Lake County Sheriff's Department and is a graduate of the FBI Academy.

#### **Disposition of the Journal** Regular Council Meeting of March 8, 2012

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to approve the Regular Council Meeting Minutes of March 8, 2012 as submitted.

**Roll Call: 6 AYES – (1) Abstention from Councilman Malecek** **MOTION PASSES**  
President Reichelt declared that the Regular Council Meeting Minutes of March 8, 2012 have been approved as submitted.

#### ***Correspondence***

- **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: March 13, 2012)**
- **FINANCIAL REPORTS FOR THE MONTH ENDING JANUARY 2012 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: March 21, 2012)**

#### ***Notifications***

- Finance Committee Meeting of March 19, 2012 (Emailed: March 16, 2012)

- Planning & Zoning Commission and Architectural Board of Review Meeting of March 15, 2012 (Emailed: March 13, 2012)
- Rules & Legislation Committee Meeting of March 19, 2012 (Emailed: March 16, 2012)
- Utilities Committee Meeting of March 12, 2012 (Emailed: March 9, 2012)
- **THE BZA WILL NOT MEET ON APRIL 10, 2012 FOR THERE WERE NO APPEALS RECEIVED** (Emailed: March 22, 2012)

#### ***Minutes***

- Planning and Zoning Commission & Architectural Board of Review Meeting of February 16, 2012 (Emailed: March 16, 2012)
- Rules and Legislation Committee Meeting Minutes of March 19, 2012 (Emailed: March 20, 2012)
- **BOARD OF BUILDING & ZONING APPEALS MEETING MINUTES OF JANUARY 10, 2012** (Emailed: March 22, 2012)

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

- Rogers Road Update – Bids to be open March 30, 2012
- Service Department putting final touches on Recreation Storage Shed and consolidation of Building and Service Departments\
- City advertng for an Economic Development Director
- Interviewing for a Part-Time Recreation Coordinator
- Lime/Asphalt Bids were opened today – apparent low and best bidders were Arms Trucking for Limestone and Osborne Concrete and Stone for Asphalt; both the Mayor and Road Superintendent recommend accepting the bids submitted by Arms Trucking and Osborne Concrete and Stone
- **Acknowledgements**
  - Welcome to Part-Time Police Officer Jeffrey B. Belle and Full-Time Dispatcher Amanda Elkins (previously sworn-in to serve as a Part-Time Dispatcher)
  - Condolences to Jim Vitale and Family on the death of Jim's mother
  - Congratulations to Fall Corn Fest Raffle Winners – Kindle Fire – Rebecca Quimper and TV – Steve Dombrosky
  - Proclamation done – proclaiming April “National Child Abuse Awareness” Month
- **Upcoming Events**
  - Baseball and Softball finalizing registration
  - Easter Party – March 31<sup>st</sup> at 1:00pm

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

- There is no litigation therefore, no formal report was given.
- BZA Meeting was held to address vacation of Deed Restrictions for Sear's Hardware Store

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

- No formal report was given.
- Supported the passage of Ordinance No. 2012-13 – Permanent Appropriations for 2012

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

- City Engineer was not in attendance; therefore no formal report was given.
- Mayor gave an update on the bridge over Rt 90/Maplegrove – there was a pre-construction meeting held and it appears that the bridge will be closed – for approximately 90 to 120 days beginning on May 1<sup>st</sup> – dates to be confirmed

#### **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 MARCH 19, 2012****Members Present:** Councilman Kevin D. Malecek, Chair, Councilman Christopher L. Biro, Vice President Nancy E. Fellows**Also Present:** Councilman David M. Fiebig, Councilman Frank A. Germano, President David A. Reichelt, Councilman Raymond C. Somich, Finance Director Frank Brichacek**Purpose of the Meeting was to discuss (1) 2012 Budget (2) Admission Tax Repeal and any other business.****Meeting convened at 6:33pm*****Order of Business*****AGENDA****I. Call to Order/Introductions****II. Continued Overview of Budget and Revisions Since Last Meeting by Finance Director Brichacek**

Added Economic Development Director, reduced amount for income collection costs. Revised start dates for new positions brought us a lower projection in the Safety Forces Subsidy, but we will have a FT Dispatcher in the budget. SCMR Fund – budget was significantly reduced (road crew position, PT labor, eliminated some from unspecified street repairs, and proposed equipment). Canterbury cul-de-sac reduction. Sewer Enterprise Fund – reduction in capital equipment requested.

Carryover in General Fund - \$270,000. Number of one-time items in this budget – Police Department – Lease Payment – backbone equipment. Route 91 – miscellaneous estimate – signalization project - \$10,000 in there to have appropriation. Mainline camera and camera truck.

Income side of things – where are we on collections? Adjustments changes in that area – have not changed the estimated. Budgeted 2% growth in income tax. See any trends? Seems to be at budget – changes from month to month. Personnel insurance end of it – have budgeted 20% increase for health care.

**III. Discussion****IV. Recommendation on Ordinance 2012-13 – Budget Ordinance for Rest of 2012****Consensus to waive Three Reading Rule and Adopt at Council on Thursday.****Motion to move into Executive Session after Public Portion to discuss Pending Litigation (7:02pm). Moved by Christopher Biro, seconded by Nancy Fellows.****V. Public Portion (3 minutes per participant)**

Robert Kowalsky and Linda Fulton spoke.

**Executive Session (7:02pm) reconvene at 8:07pm.****Consensus of the Committee for a recommendation to Council from the Committee for a Motion to uphold the decision of the Administration in regards to the appeal by Phoenix Theatres.****VI. Adjourn (8:09pm)****RULES & LEGISLATION – David A. Reichelt, Chair****Committee Members:****Nancy E. Fellows, Kevin D. Malecek****COMMITTEE MEETING OF MARCH 19, 2012****Members Present:** President David A. Reichelt, Chair, Vice President Nancy E. Fellows, Councilman Kevin D. Malecek**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, City Engineer Richard Iafelice

<b>Purpose of the Meeting was to discuss <u>Pending Legislation</u> and any other business.</b>
Meeting convened at 6:06pm
<i>Order of Business</i>
<b>Legislation:</b> <b><u>Ordinance 2012-12</u> – Sewer Rate Increase</b> - was discussed at the last Utilities Committee meeting and we are simply reviewing it for procedural concerns. It was the <b>consensus of the Committee to remove the Emergency Tag on the Ordinance and Recommend it for consideration at the Regular Council Meeting to be held March 22<sup>nd</sup></b> ; it will be read for the first of three times.  <b><u>Ordinance 2012-13</u></b> was briefly discussed and will be addressed in much further detail at the Finance Committee meeting later this evening. Thus, we are simply reviewing it for procedural concerns, as well. It was the <b>consensus of the Committee to recommend it for consideration at the upcoming meeting of City Council to be held March 22<sup>nd</sup></b> .
<i>Public Portion</i>
<b>Opened: 6:13pm Closed: 6:21pm</b> The Committee fielded general questions regarding the issues discussed.
Meeting adjourned at 6:22pm

**UTILITIES – Frank A. Germano, Chair**

**Committee Members:**

**David M. Fiebig, Raymond C. Somich**

<b>COMMITTEE MEETING OF MARCH 12, 2012</b>
<b><u>Members Present:</u></b> Councilman Frank A. Germano, Chair, Councilman David M. Fiebig, Councilman Raymond C. Somich <b><u>Also Present:</u></b> Councilman Christopher L. Biro, President David A. Reichelt, City Engineer Richard Iafelice, Law Director Thomas G. Lobe
<b>Purpose of the Meeting was to discuss <u>Sewer Rates</u> and any other business.</b>
Meeting convened at 7:32pm
<i>Order of Business</i>
Discussed Euclid Rate and Willoughby Hills Rates <b>Consensus of the Committee was to have an Ordinance establishing sewer rates for 2 year period, remove the Emergency Clause and add a “Whereas”, and place Ordinance on First Reading.</b>
<i>Public Portion</i>
<b>Opened: 9:09pm Closed: 9:10pm</b> Frank Cihula – the timing of meter billing
Meeting adjourned at 9:10pm

## **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 7:17pm**

1. Lou Merkys  
2740 Morning Star Court  
Re: Grant Program Guidelines for Sewer Tie-In; 5 people given Grants - Maximum of \$8,000/actual cost of repairs per applicant – not to exceed the maximum of \$8,000

2. Robert Kowalsky  
2585 Timberline Drive  
Re: Economic Development Director Position; Salary and Position Requirements  
**Public Portion closed at 7:22pm**

### **UNFINISHED BUSINESS**

- The Mayor and the Law Director addressed the comments that were made during Public Portion. Law Director Lobe stated that the deadline for applicants to apply came and went and there were only five applicants who qualified, the City was given a waiver on the maximum amount for each applicant so that all of the Grant money could be used. The Mayor stated that there is a Round 2 for funding – the City will be looking to get more funding if there are any other applicants.
- Councilman Somich commented on the Economic Development Task Force in that they will work within the existing zoning that the residents have voted on; will be working on the commercial areas that have been designated as such and the intent is to fill vacancies and to bring good businesses into the community – into the existing Commercial Districts.

### **LEGISLATION**

#### **ORDINANCE NO. 2012-12**

**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 First Reading.

#### **ORDINANCE NO. 2012-13**

**AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS NECESSARY TO MAINTAIN CITY SERVICES FOR THE FISCAL PERIOD BEGINNING JANUARY 1<sup>ST</sup> THROUGH DECEMBER 31<sup>ST</sup> OF 2012; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2012-13.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

President Reichelt stated that the Three Reading Rule for Ordinance No. 2012-13 has been suspended.

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilwoman Fellows to adopt Ordinance No. 2012-13.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

President Reichelt stated that Ordinance No. 2012-13 has been adopted.

### **NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Germano to uphold the opinion of the Finance Director in the matter of the tax appeal for admission tax by the Phoenix Theaters.

**Roll Call: Somich-no, Biro-yes, Fellows-yes, Fiebig-yes, Germano-yes, Malecek-yes, Reichelt-yes**

**MOTION PASSES: 6 – AYES/1 – NAY**

President Reichelt stated that Council upholds the decision of the Administration regarding the appeal of Phoenix Theatres.

Law Director suggested that the Council Clerk provide notification to Phoenix Theaters advising them of Council's decision.

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

- Councilman Somich: Recognized the Mayor for presenting the WH Library with a Proclamation at the Western Lake County Chamber of Commerce Annual Awards Luncheon; the Library was the Organization of the Year  
Free Kid's Show being held all weekend long at the Great Lakes Mall – activities and vendors available  
Antique Collectibles Related to the Military; Military Show taking place at Lakeland Community College this Saturday and Sunday – Small Admission Fee
- Mayor Weger: Thanked everyone who participated with the Pancake Breakfasts

## **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 March 22, 2012 to be adjourned at 7:35pm**

**APPROVED:**

June 12, 2012  
Date

David A. Reichelt

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

**ATTEST:**

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