

# City of Willoughby Hills

Council  
CHRISTOPHER L. BIRO  
NANCY E. FELLOWS  
DAVID M. FIEBIG  
FRANK A. GERMANO  
RAYMOND C. SOMICH

## Regular Council Meeting Minutes of December 8, 2011

*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 Kevin D. Malecek*

### *Pledge of Allegiance*

### Roll Call of Council

**Members Present:** Councilman Frank A. Germano, President Kevin D. Malecek, Vice President David A. Reichelt, Councilman Christopher L. Brio, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig

**Absent:** Councilman Raymond C. Somich (arrived at 7:06 p.m.)

**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

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to excuse Councilman Raymond C. Somich from attending the Regular Council Meeting until his arrival.

**Roll Call: 6 AYES** **MOTION PASSES**

**President Malecek stated that Councilman Raymond C. Somich has been excused from attending the Regular Council Meeting of December 8, 2011 until his arrival.**

### **Disposition of the Journal** Regular Council Meeting of October 27, 2011

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Reichelt to approve the Minutes of the Regular Council Meeting of October 27, 2011 as submitted.

**Roll Call: Germano-yes, Malecek-yes, Reichelt-yes, Biro-abstain, Fellows-yes, Fiebig-yes**  
**5 AYES/1 Abstention** **MOTION PASSES**

**President Malecek declared that the Regular Council Meeting Minutes of October 27, 2011 have been approved as submitted.**

### **Correspondence**

- City Engineer's Status Report for December 2011 (Emailed: December 1, 2011)
- Mayor's Court Monthly Statement to City Council for the month ending November 30, 2011 (Emailed: December 6, 2011)
- Interoffice Memo from Law Director Thomas G. Lobe to Mayor and City Council Members, dated December 2, 2011 re: Charitable Gambling/Contract/Insurance along with Email from Representative of Custis Insurance, dated December 2, 2011 (Emailed: December 2, 2011)
- Building Department to Administration and Members of Council, re: Sheriffs Sales in the City of Willoughby Hills, dated December 2, 2011 (Emailed: December 6, 2011)

- Interoffice Memo from Mayor to President of Council, dated November 30, 2011, re: Motion to bid for Service Depart. Vehicle (Emailed: December 5, 2011)
- Interoffice Memo from Mayor to President of Council, dated November 15, 2011 re: 2012 Police Vehicle Purchase Request (Emailed: December 5, 2011) along with Police Department Memorandum from Chief Christopher J. Collins to Mayor/Safety Director Robert M. Weger, dated November 14, 2011, re: 2012 Police Vehicle Purchase Request (Emailed: December 5, 2011)
- Letter from resident J. Grady to Council President and Members of Council dated November 20, 2011, re: Deer Hunting within City Limits (Emailed: November 21, 2011)
- **FINANCIAL REPORTS FOR THE MONTH ENDING OCTOBER 31, 2011 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS** (Emailed: November 11, 2011)
- Interoffice Memo from Mayor to Council President, dated December 6, 2011 re: Ordinance for Rogers Road Slope Failure Project along with letter from the Ohio Public Works Commission to Mayor Weger, dated December 1, 2011 re: Emergency Funding for the Rogers Road Slope Failure Project (Emailed: December 6, 2011)

### ***Notifications***

- Board of Building & Zoning Appeals did not meet December 13, 2011 for no appeals were received (Emailed: November 30, 2011)
- Civil Service Commission Meeting of December 9, 2011 (Emailed: December 6, 2011)
- Planning and Zoning Commission & Architectural Board of Review Meeting of November 17, 2011 cancelled for there were no pending projects (Emailed: November 15, 2011)
- Planning and Zoning Commission & Architectural Board of Review Meeting of December 1, 2011 (Emailed: November 29, 2011)
- Planning & Zoning Committee Meeting of November 21, 2011 (Emailed: November 17, 2011)
- Planning & Zoning Committee Meeting of December 5, 2011 (Emailed: December 1, 2011)
- Rules and Legislation Committee Meeting of November 21, 2011 (Emailed: November 17, 2011)
- Rules and Legislation Committee Meeting of December 5, 2011 (Emailed: December 1, 2011)
- Service Committee Meeting of December 5, 2011 (Emailed: December 1, 2011)
- Utilities Committee Meeting of November 21, 2011 (Emailed: November 17, 2011)

### ***Minutes***

- Rules & Legislation Committee Meeting Minutes of November 21, 2011 (Emailed: December 6, 2011)
- PLANNING & ZONING COMMITTEE MEETING OF DECEMBER 5, 2011
- SERVICE COMMITTEE MEETING OF DECEMBER 5, 2011

### ***On File***

- Letter from Mayor to residents of Rogers Road dated December 2, 2011, re: Rogers Road Slope Failure (Emailed: December 2, 2011)
- Willoughby Hills Senior Center Newsletter, December 2011, Issue Number 12

**President Malecek announced that Councilman Somich had arrived at 7:06 p.m.**

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

- Rogers Road Update & Funding
- Lake County Stormwater Management – Euclid Creek East Branch Stream Improvements (\$431,500 requested in financial support)
- City Hall closed Monday, December 26<sup>th</sup> and Monday, January 2<sup>nd</sup>
- Snow Plows and Crews – read to roll
- Grange Update
- **Acknowledgements**

Welcome to part-time Recreation Coordinator, Angie Howell

Welcome to New Recreation Commission Member Laura Lenz

Welcome to part-time Road Crew Members for snow plow: John Vitale, Billy Robinson and Joe Roznik

Welcome to Auxiliary Police Officer Benjamin Pardue

Welcome to PT Firefighters Daniel Baucco and James Carver

Congratulations to Firefighter Steve Lucic celebrating 20 years of service this month

Recreation Coordinators and Commission on Christmas Card Lane Lighting (thanks to WH United Methodist Church Choir) and Breakfast with Santa

- **Upcoming Events**

City Music Christmas Concert to be held 7:30 p.m. on Friday, December 9<sup>th</sup> at St. Noel Church

Baseball Sign Ups continuing through January

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

- Status of Litigation: Dismissed Brown vs. Willoughby Hills; Employee Worker Compensation – voluntarily dismissed
- Commended Police Officers – Chief Collins and the Detectives for their work and testimony in a murder case which recently happened within the City

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

- Financial Reports for November will be out tomorrow
- Appropriation Ordinance for 2011
- Temporary Budget for 2012

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

- Rogers Road – Resolution to File Application; already in receipt of Application
- City Engineer to present details of the Rogers Road Project in January and then look for authorization to advertise; will be moving the project along quickly through Design Bid and Build
- Resolution No. 2011-5 – standard legislation to authorize the Mayor to file an application to OPWC; the Mayor has already filed the Application and is in receipt of the Agreement to accept the funds from the State
- Eddy Road Project – under final contract amount – reduction of \$34,000
- Camelot Court – under final contract amount – reduction of \$4,000

#### **COMMITTEE REPORTS**

##### **FINANCE – Raymond C. Somich, Chair**

**Committee Members:** Nancy E. Fellows, David M. Fiebig

- Finance Committee has not met; therefore, no formal report was given.
- President Malecek requested that a Finance Committee be scheduled before the next Regular Council Meeting of December 22<sup>nd</sup> for the purpose of reviewing the Temporary Budget

##### **PLANNING & ZONING – David M. Fiebig, Chair**

**Committee Members:** Frank A. Germano, David A. Reichelt

#### **COMMITTEE MEETING NOVEMBER 21, 2011**

**Members Present:** Councilman David M. Fiebig, Chair, Councilman Frank A. Germano, Vice President David A. Reichelt

**Also Present:** Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, President Kevin D. Malecek, Councilman Raymond C. Somich, Mayor Robert M. Weger, Planning & Zoning Commission Member James Michalski, Chair of the Board of Zoning Appeals Frank Cihula

**Purpose of the Meeting was to discuss (1) Proposed Master Plan for Comprehensive Land Use (2) Development of Vanity Fair Space and any other business.**

**Meeting convened at 6:03pm**

#### ***Order of Business***

**Open to discussion of the status of ORD 2011-59 – where we are with this Master Plan.** Minor editorial changes

made and approved by commission. Reichelt: changes, if substantial, should possibly return ordinance or new ordinance to 3 readings.

**6:17 Opened discussion to proposed Event Center.**

FELLOWS: Has obtained Cuyahoga county lease to Nautica events. WEGER: for Charity to them or county to them? F: looking. County. Haffey; Appreciate looking into this. Misconception to clear up. Ohio Charity services, I run it. City lease 20k SF next to Marcs. Ask city to designate portion of the space to a portion within the 20k space as Texas Hold-em. Has architect here, fill out lengthy application, council go today. Similar to application Nautica has now. The festival is ran by the charities, mandatory 10 volunteers. They run all aspects. Ohio charity Services has responsibility for security, cleaning, amenities, TVs, help the charity be successful, and the charity is to know about the itemized list on the festival lease. Same as Nautica. They get an itemized bill and, hopefully, they pay. All is in compliance with O.R.C. AG opinion is legal. No problems yet at Nautica. Legal. Benefits to our city will create 50 jobs. Bring hundres into city with money to spend. New activity, police; area needs help. 70k direct payment to the city is a nice advantage to the city. Payroll tax, too. Becky's Bistro, Marc Glassman, favorable, needs shoppers. Bike shop is for it. These people are regular people like us, not criminals. Has architect here. Would like Mr. Lobe to draw up legislation. Millions of dollars raised to good people. This will help. Thanks for your time.

GERMANO: Restaurants, customers, question the Payroll tax, based on what? \$25 per hour, non union? Where are the actual numbers?

Ely Schamoun. Now introduced as Highland Hts. Business owner of Gergio's Oven Fresh. Hourly rate in law, we will bring business into area, GERMANO: You are asking the city to be a partner. Schmoun: Can go to a school, church, we can go to others, but it benefits the city. Fiebig: Who are your investors? Haffey: The difference is the 70k per year. Want to answer any question. BIRO: got PowerPoint on hi-tech equipment. Seat fees, all electronics, no physical cards. Do they purchase cards? I was involved in Nautica events. Stressful to deal with all the cash. HAFFEY: We will be successful because of technology, accounting, volunteers, can make mistakes. Go over fee. No entry fee. Go to cashier and pay for game, i.e. \$100 on debit card. No control over table. 8-10 individuals understood that a pit boss or volunteer will explain and be on hand. BIRO: The table controls. Charity gets a percentage. HAFFEY: Charity gets all the money, expect the player winnings. Every pot 10% gives up to charity. One table can raise 2k x 20 tables. After 4 day event, 60k for invest. You will invest half million to return table rent and concession. \$325 per table per night. Each table costs \$60,000. HAFFEY: I cannot run a table, has to be a volunteer. BIRO: Getting a sense of the economics of this. How does Cuyahoga County do it? Seeking a lot of emails, lot of information. I want to see more had numbers. HAFFEY: If I get the players, it will be successful. MALECEK: The city doesn't acknowledge "if you build it they will come". Should not be a venture capital partner. At what point will be profitable? HAFFEY: After a year. Lot of money toward advertising, \$200 a week. Charities will line up out the door. MALECEK: Do you have letters on charity letterhead? REICHELT: Pay city \$200 per day per event? HAFFEY: Charity pays prior to vent. REICHELT: If you don't have a customer, do you pay? HAFFEY: No, Investor Schamoun: Yes, city gets \$200 a day no matter what. REICHELT: Mr. Lobe – to see where we stand. Questions. BIRO: You can go to any other county, organization? HAFFEY: Not sure. BIRO: City is small. Why not going to larger like schools – county? HAFFEY: City would want t do this; this would be a good idea to bring 70k year. BIRO: If you don't go with this, you have other options? HAFFEY: I want you guys to do this, you'd be proud of what you did. REP of Seagull (Spiegel) properties, Mr. Garafili, as a real estate agent, spoke in favor. FELLOWS: Very few casinos, or Nautica, where can I go to see this? HAFFEY: Sent a link – Indiana, buffalo, cruise ships. FELLOWS: Public might like live dealers, in Ohio can't have professional dealers. SOMICH: Lots of wages, questions. 2 major concerns, if not run properly, but will there be financial liability for the city? Protections, law director says are possible but not guaranteed. Safety, off-duty police on site. Chief has no safety concerns. Don't think we as a city should bring up ore questions, but only as to those 2 points. MALECEK: Agree on questioning those 2 points, but if city puts her name on it, will be very concerned since city has liability and name at risk and stand behind. Efficacy and viability. Any other business, no but this is different. HAFFEY: similar to licensing fees to Internet cafes. License to charity to conduct festival.

**Public Portion**

**Public Portion opened at 6:55pm** Cihula, \$200 ad day, 7 days, 365. Correct, yes. When started, how is it paid? *Haffey answered, Whenever, you like it.* Does this potential ordinance conform to the health, safety, and welfare of the community? *Haffey answered, I hope to.* Kowalski: is electronic poker is only one is state, *Haffey answered, Not sure.* Is it big enough? Big enough so someone will put enough in to not walk away..**Public Portion closed at 6:57 p.m.**

**Committee Consensus, To get additional legal opinion from Mr. Lobe.**

**Meeting adjourned at 6:59pm**

## COMMITTEE MEETING DECEMBER 5, 2011

**Members Present:** Councilman David M. Fiebig, Chair, Councilman Frank A. Germano, Vice President David A. Reichelt

**Also Present:** Councilman Christopher L. Biro (6:10 p.m.), Councilwoman Nancy E. Fellows, President Kevin D. Malecek, Councilman Raymond C. Somich, Mayor Robert M. Weger, Chair of the Board of Zoning Appeals Frank Cihula

**Purpose of the Meeting was to discuss Development of Vanity Fair Space and any other business.**

**Meeting convened at 5:45pm**

### Order of Business

**Event Center Proposal.** Memo/Report from Law Director & Insurance Agent came.

Fiebig complimented Mr. Haffey on follow through, time and effort. Thanked him.

Open floor to Mr. Haffey, introduced David Skiljan, INS agent and attorney. Talked to Mr. Lobe today. Other carriers would write a policy. After discussion Lobe seemed to him that he was comfortable.

FIEBIG: Are there any other cities that do this via your insurance agency. DS: No other. Though another insurance provider. Like your parks and recreation sports leagues, we can do.

REICHEL: We'd need to get Mr. Lobe opinion. Struggling with this proposal. FIEBIG: Use of public property owned by City and insurance, is controlled by the City and on its property for a usual and ordinary function. This proposal is nongovernmental function and not usual. Just stated, no other municipality is doing this in Ohio. This is atypical, nongovernmental purpose. SKILJAN: Similar to Cuyahoga County, WH is same-similar operation. Mr. Krueger, INS Agent. Introduced himself and discussed types of insurance. FIEBIG: #5 on list of concerns from City's INS provider, yes it can be purchased, can insure anything, but at what cost? K: Can be done, R: Cost is by client. K: Yes, Better in Mentor vendors provide this. Can get quote, umbrella and excess policy. R: Individual Council Members can be brought in, personally. K: Anything can be done. Discussion about insurance policies. DS: Any individual can bring suit, if you are sued the policy would respond. Disagreed with City agent on #8. K: Any group can do this, HAFLEY: Thank the group, this INS policy can be available – like to continue to bring through, hope you allow opportunity to continue to explain. There's a lot here, GERMANO: The provisions set forth. Bankruptcy or receivership City can be liable for this, don't see City putting on line, City not part of this, not in control. Will do... trying for zoning, economic development, but opposed to this. No track record of your operation, risky proposal, not good for the City and our people. REICHEL: Coming into tonight, I was of the same opinion. If what your INS agent told us is true, this is Lobe's opinion, we need to ask him again. Unfair to summarily dismiss without Law Dir., if INS Co is on the hook. Like to put issue to bed. Both can move forward. MAYOR: INS has no pick up for business failure. DS: If this policy – if Mayor, if we sign a lease for 5 years, receivership, but not into the next entity... and we are responsible. Not covered. REICHEL: If in receivership, we still liable, FIEBIG: Lobe, Made clear through memo and testimony in these meetings: It's a policy decision. SOMICH: No disrespect, want to hear it from Lobe. If those are accurate. May be an alternative, if there is a shade of possibility. Not black or white but would like opportunity to hear. DS: Lobe did not say total indemnification, concerns were not 100% alleviated, it is a policy decision. R: if there is a risk that cannot be overcome. GERMANO: We have to know everything, not comfortable, we are a partner. REICHEL: We would be notified. If we are named insurance. G: but why do we have to.

Germano, Fiebig concur – make a decision, can't see moving forward with proposal. We need to respect the time, effort of the proposal group. Fellows concur, not willing to take the risk on behalf of City. Charity groups, our legal opinion has been, usually cautious in the past. SOMICH, agree to advance out of Committee. BIRO, want more info, Thursday.

MALECEK: We have no legislation, to make Motion in New Business.

### Public Portion

**Public Portion opened at 6:00pm** L. Fulton: Why no Mr. Lobe? *Not available/invited. We have his written report.* Kowalski: walking in high grass, feel bad if someone else does this thinking about the risk, make a list, and bring to finance. See if overcome. 30 days' notice and get out. The future is downtown Cleveland. Will the people go for the machine and not the dealer? Whatever people think about gambling, it's here.

**Public portion closed 6:33 p.m.**

**Committee, Germano, made motion to advance it Council Thursday with negative recommendation, Fiebig agree. Reichelt; Not agreed to move, but if Lobe says info is correct, then he will not be in favor. Consensus to move to Council on Thursday (with Mr. Lobe present) for discussion in New Business.**

Chair thanked all parties involved.

**Meeting adjourned at 6:35pm**



## RECREATION – Nancy E. Fellows, Chair

**Committee Members:** Christopher L. Biro, David A. Reichelt

- The Recreation Committee has not met; therefore no formal report was given.

## RULES & LEGISLATION – Kevin D. Malecek, Chair

**Committee Members:** Frank A. Germano, David A. Reichelt

### COMMITTEE MEETING NOVEMBER 21, 2011

**Members Present:** President Kevin D. Malecek, Chair, Councilman Frank A. Germano, Vice President David A. Reichelt

**Also Present:** Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Mayor Robert M. Weger

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

**Meeting convened at 5:44pm**

#### *Order of Business*

**Ordinance 2011-65:** Authorizing the Mayor for Purchase and Sale Agreement for 35245 Chardon Road Purchase agreement – just a standard agreement – closing costs, city water, and city sewer – agreed to pay closing costs – hold-back for bill. Septic tank – instead of standard agreement.

**Recommendation to waive the Three Reading Rule and Adopt at Council this evening.**

**Ordinance 2011-66:** Residential Sanitary Sewer Service Connection with CDBG Grant Program Guidelines Community Development Block Grant – effective in negotiating with the County to get up to \$50,000 for residential sewer fees, tap-in fees – lower income – we administer it all – we have the applications and they are on file – they look good. Accept the money – give it all away. Gloria worked with the County and negotiate getting this for residents.

**Recommendation to waive the Three Reading Rule and Adopt at Council this evening.**

**Ordinance 2011-Deer:** Continued discussion regarding Deer Management

Reichelt – reviewing the issue further and speaking with Police Chief – I'd like to have the Safety Committee assuming some responsibility – referring to Safety Committee – would like to have some input on that ordinance. Fellows – welcome have that in the Safety Committee – spoke with ODNR – interesting questions that they pose in terms of consideration. Fiebig – if that is the same officer, willing to come in and address Council for us to understand the scope of what Ohio law is – difference between deer nuisance permit and hunting permit – not designed for one person in the community. Nothing pressing – moving forward with caution and due diligences. Biro – good idea if we can arrange – ODNR officials – familiar with subject – the more the better.

Fiebig – nice that title company from Willoughby Hills was picked.

#### *Public Portion*

***Robert Kowalsky*** – is it this house? I'd like to know – purchase and sale – what does that mean? Does that respond?  
***Linda Fulton*** – I understand that Public Portion is a privilege that you are giving us to speak – you are being pretty arrogant right now – during a committee meeting – if they asked you a question. ***John Klements*** – encourage Council to have insights during deer situation – a lot of science and emotions behind many of the issues – need to be viewed in balance – many people from the Ohio Wildlife Commission. Whatever it is that you – cohesive and well-written piece of legislation. Keep the ball rolling. ***Weger*** – address issue about sale/purchase agreement – third piece of property down from City Hall – property attaches – squares that up – resident gave the City an excellent deal for the property.

**Meeting adjourned at 6:00pm**

### COMMITTEE MEETING DECEMBER 5, 2011

**Members Present:** President Kevin D. Malecek, Chair, Councilman Frank A. Germano, Vice President David A. Reichelt

**Also Present:** Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Mayor Robert M. Weger

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

**Meeting convened at 8:05pm**

#### *Order of Business*

**Ordinance 2011-67: Purchase of Police Cars**

Weger - Out of the 2012 budget – state pricing came out again very competitive – Dodge Chargers again and 2-wheel drive Tahoe – 2012 models – we may not get them if we don't order them now – get them in February or March – for Fire Station last year – pickup truck and expedition. Red paint from Japan – held things up. 2011 ordered, got a 2012 because it was so late. Normal rotation of vehicles – cars coming out will have about 90k.

**Recommendation to waive the Three Reading Rule and Adopt at Council this evening.**

**Motion to bid for Service Department Vehicles – bid for two 2012 or newer snow plows, rear salt spreader dump trucks.**

**Ordinance 2011-Deer: Continued discussion regarding Deer Management**

In Safety Committee for further discussion. Spoke to Chief today – try to have a meeting next week and convene with the Chief.

**Motion to make public purpose for CornFest.**

**Public Portion**

*Cheryl Ota – how many police cars involved? 3 cars. Robert Kowalsky – old words struck out and new words placed in for new Master Plan – remains on third reading. When we voted – struck out the old – new right there. Oh, the deer – you know about the deer – it is a bow – could be a crossbow – going as fast as a bullet – wounded walks away, hunter has responsibility. Need to put up no trespassing signs – see deer coming by – can't just lay it out like that. Us people without 5 acres will be in trouble – carrying a weapon. Really back out of that – rest of cities.*

**Meeting adjourned at 8:14pm**

**SAFETY – David A. Reichelt, Chair****Committee Members:**

**Christopher L. Biro, David M. Fiebig**

- The Safety Committee has not met; therefore no formal report was given.

**SERVICE – Christopher L. Biro, Chair****Committee Members:**

**Nancy E. Fellows, Frank A. Germano**

**COMMITTEE MEETING DECEMBER 5, 2011**

**Members Present:** Councilman Christopher L. Biro, Chair, Councilman Frank A. Germano, Councilwoman Nancy E. Fellows

**Also Present:** Councilman David M. Fiebig, President Kevin D. Malecek, Vice President David A. Reichelt, Councilman Raymond C. Somich, Mayor Robert M. Weger, City Engineer Richard Iafelice, Matt Miley, GIS Representative

**Purpose of the Meeting was to discuss Agenda and Issues as listed: Power Point Presentation: Overview of the Benefits of Developing a GIS and the Means/Methods available today for Communities and any other business.**

**Meeting convened at 6:50pm**

**Order of Business**

**1. City Engineer discussed Rogers Road Landslide Repair:** Cost of project about \$300K. WH received \$110K in Grant from County and \$50K in 10yr 0% loan for repairs. Negotiating with LCSWM for additional funds for this and other projects. Project will take 6 months from design to finish and traffic will be maintained in the west direction only until construction commences and will be shut entirely until finish. Construction phase estimated at 2-3 months. Failure area covered with tarp to guard against the elements. Design utilizes 60-70ft concrete posts buried in ground to bedrock to strengthen embankment.

**2. GIS (Geographic Information System) Presentation.** Power Point Presentation given by Matt Miley who is associated with CT Consultants and Akron University. GIS incorporates GPS coordinates of various service related items such as sewers and manhole locations as well as fire hydrant positions that are entered into a database and can be accessed by specialized computers, I-Pads and even Smart Phones. Information such as when a specific section of sewer was cleaned or when a certain fire hydrant was flushed can be inputted and be accessed by Google Enhanced software that is available **Free** to the City. Minimal cost to the City since software is free and GPS and computer equipment not expensive.

Coordinates and information inputted and maintained into database by City staff and built over time. City Engineer

supports this program since information can be accessed quickly and has potential for cost savings. Current information paper based and takes time to investigate. Information can also be accessed by residents. Several cities in the area, including Willoughby, are implementing this system.

***Public Portion***

**The following people came forth with questions/comments:** Frank Cihula and Bob Kowalsky asked questions about GIS software and who would/should input information.

**Meeting adjourned at 8:05pm**

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

**Committee Members:** Nancy E. Fellows, Raymond C. Somich

**COMMITTEE MEETING NOVEMBER 21, 2011**

**Members Present:** Councilman Frank A. Germano, Chair, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich

**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, President Kevin D. Malecek, Vice President David A. Reichelt, Mayor Robert M. Weger, City Engineer Richard Iafelice

**Purpose of the Meeting was to discuss Agenda and Issues as listed: (1) Garrett's Leak, (2) Sewer Detection Program Update, (3) ECI Relief Sewer, (4) Summer Sprinkling Program, (5) Euclid Sewer Rate Analysis, (6) Lake County Utilities Department, (7) Ordinance No. 2010-32 – Review Willoughby Sewer System Rules and Regulations and any other business.**

**Meeting convened at 7:02pm**

***Order of Business***

**Items of Discussion:**

- Sewer Rates
- Euclid Rates
- Finance Director looking at the numbers
- City Engineer recommended building a Fund Balance for future repair of older sewers in the City

***Public Portion***

**Public Portion opened at 7:30pm** with Linda Fulton reporting a sink hole on Bishop Road. The Mayor reported on the Rogers Road Slope Failure; the City is seeking emergency funding

**Meeting adjourned at 7:31pm**

**PERSONNEL RELATIONS – Christopher L. Biro, Chair**

**Committee Members:** Raymond C. Somich, Mayor Robert M. Weger

- The Personnel Relations Committee has not met; therefore no formal report was given.

**WORKING COMMITTEE OF COUNCIL** – Kevin D. Malecek, President of Council

- The Working Committee of Council has not met; therefore no formal report was given.

**OTHER COUNCIL REPRESENTATIVE REPORTS**

- There were no other Council Representative Reports presented.

**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 7:25pm**

1. Kevin Johnson  
2887 Camelot Court

Re: Supports the Charity Event Center; opportunity to increase the City's Tax Base



2. Joe Zawastki  
2840 Loreto Drive  
Re: Charitable Gambling questions the amount of revenue benefiting the City
3. Regis Coustillac, Manager of the Mentor Football Redline Club  
9073 Idlewood Drive, Mentor, Ohio  
Re: Charitable Gambling
4. Mark Santo  
Resident of Kirtland, Proud Father of a State Champion Football Player  
Re: City Liability of Charitable Gambling
5. Christian Haffey  
2871 Camelot Court  
Re: Thanked Council for their efforts with respect to Charitable Gambling; Win/Win for the City and for Charities
6. Gina Berardinelli  
28854 Eddy Road  
Re: Possible job opportunities provided through Charitable Gambling

**Public Portion closed at 7:31pm**

#### **UNFINISHED BUSINESS**

- **There was no unfinished business to be addressed by Council.**

#### **LEGISLATION**

**ORDINANCE NO. 2011-59 – READINGS: October 27, 2011; November 10, 2011; November 21, 2011**

**AN ORDINANCE APPROVING AND ADOPTING THE 2010 MASTER PLAN FOR COMPREHENSIVE LAND USE FOR THE CITY OF WILLOUGHBY HILLS OHIO.**

**President Malecek stated that Ordinance No. 2011-59 would remain on Third Reading.**

#### **ORDINANCE NO. 2011-67**

**AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF POLICE VEHICLES FOR BUDGET YEAR 2012 THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING AGREEMENT CONTRACT WITH SAID PURCHASE BEING EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 125.04 (C) OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2011-67.**

**Roll Call: 7 AYES**

**MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Ordinance No. 2011-67 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to adopt Ordinance No. 2011-67.**

**Roll Call: 7 AYES**

**MOTION PASSES**

**President Malecek stated that Ordinance No. 2011-67 has been adopted.**

## **RESOLUTION NO. 2011-5**

### **A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION FOR EMERGENCY FUNDS NECESSARY FOR THE ROGERS ROAD SLOPE REPAIR IMPROVEMENTS AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Reichelt to suspend the Three Reading Rule for Resolution No. 2011-5.

**Roll Call: 7 AYES**

**MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Resolution No. 2011-5 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FELLOWS**, seconded by Councilman Somich to adopt Resolution No. 2011-5.

**Roll Call: 7 AYES**

**MOTION PASSES**

**President Malecek stated that Resolution No. 2011-5 has been adopted.**

## **NEW BUSINESS**

**MOTION MADE BY COUNCILMAN GERMANO**, seconded by Councilman Reichelt to permit the Mayor to secure bids for two 2012 or newer front snow plow, rear salt spreader dump trucks, GVWR 39,000 lbs.

**Roll Call: 7 AYES**

**MOTION PASSES**

**President Malecek stated that the Mayor has been granted permission to secure bids for two 2012 or newer front snow plow, rear salt spreader dump trucks, GVWR 39,000 lbs.**

**MOTION MADE BY COUNCILMAN REICHELT**, seconded by Councilman Germano to affirm the decision made by the Planning and Zoning Committee of Council to not move forward with the Charity Center Project.

Discussion ensued with comments made by: Councilman Reichelt, Councilman Somich, Councilman Fiebig, President Malecek, Councilman Fellows and Law Director Thomas G. Lobe.

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

**6 AYES / 1 NAY**

**MOTION PASSES**

**President Malecek stated that the Motion not to move forward with the Charity Center Project has been adopted.**

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

- Councilman Somich announced the following events:
  - Bridge for the Holidays** to begin on December 30<sup>th</sup> at St. Noel Church and it offers assistance with making it through the holidays those who have been divorced or separated.
  - Lake County Humane Society has approximately 200 pets that are available for adoption at half of the normal fee for the month of December. Anyone interested can contact the Lake County Human Society.
- Councilman Reichelt announced that CityMusic Cleveland will be providing a free Classical Music Concert at St. Noel Church tomorrow night (December 9<sup>th</sup>) at 7:30pm.

## **ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Reichelt to adjourn the Meeting.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared the Regular Council Meeting of December 8, 2011 to be adjourned at 7:53 p.m.**

APPROVED: 12, 2012  
Date

David A. Reichelt  
David A. Reichelt  
President of Council

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