

City of Willoughby Hills

Regular Council Meeting

Minutes of December 22, 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 7:02 p.m. by President Kevin D. Malecek

Pledge of Allegiance

Roll Call of Council

Members Present: President Kevin D. Malecek, Vice President David A. Reichelt, Councilman Raymond C. Somich, Councilwoman Nancy E. Fellows, Councilman Frank A. Germano

Absent: Councilman Christopher L. Brio, Councilman David M. Fiebig

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 COUNCILMAN REICHELT, seconded by Councilwoman Fellows to excuse Councilman Christopher L. Biro and Councilman David M. Fiebig from attending the Regular Council Meeting of December 22, 2011.

Roll Call: 5 AYES

MOTION PASSES

President Malecek stated that Councilman Christopher L. Biro and Councilman David M. Fiebig have been excused from attending the Regular Council Meeting of December 22, 2011.

Disposition of the Journal Regular Council Meeting of November 10, 2011

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to approve the Minutes of the Regular Council Meeting of November 10, 2011 as submitted.

**Roll Call: Malecek-yes, Reichelt-yes, Somich-yes, Fellows-abstain, Germano-yes
4 AYES/1 Abstention**

MOTION PASSES

President Malecek declared that the Regular Council Meeting Minutes of November 10, 2011 have been approved as submitted.

Special Council Meeting of November 21, 2011

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fellows to approve the Minutes of the Special Council Meeting of November 21, 2011 as submitted.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that the Special Council Meeting Minutes of November 21, 2011 have been approved as submitted.

Correspondence

- Letter from Lake County Solid Waste District, dated December 1, 2011 re: Amended Plan/5 Year Update (December 2011) (Emailed: December 20, 2011)
- Letter from Lake County Solid Waste District, dated December 9, 2011 re: Amended Plan/5 Year Update (December 2011) (Emailed: December 20, 2011)
- FINANCIAL REPORTS FOR THE MONTH ENDING NOVEMBER, 2011 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: December 13, 2011)
- Interoffice Memo from Finance Director Frank Brichacek to Mayor, Members of Council, Finance Committee, dated December 19, 2011 (Emailed: Ordinance No. 2011-68, Exhibit A and Exhibit B, December 19, 2011)

Notifications

- Planning and Zoning Commission & Architectural Board of Review Meeting of December 15, 2011 cancelled for there were no pending projects (Emailed: December 13, 2011)
- Finance Committee Meeting of December 19, 2011 (Emailed: December 15, 2011)
- Rules and Legislation Committee Meeting of December 19, 2011 (Emailed: December 15, 2011)
- Utilities Committee Meeting of December 19, 2011 (Emailed: December 15, 2011)

Minutes

- Planning & Zoning Committee Meeting Minutes of November 21, 2011 (Emailed: December 20, 2011)
- Rules & Legislation Committee Meeting Minutes of December 5, 2011 (Emailed: December 20, 2011)
- Rules & Legislation Committee Meeting Minutes of December 19, 2011 (Emailed: December 20, 2011)

On File

- Interoffice Memo from Willoughby Hills Civil Service Committee to Mayor Robert M. Weger dated December 9, 2011, re: Certification of Civil Service Police Exam of April 2, 2011 (Emailed: December 20, 2011)

MAYOR'S REPORT – Robert M. Weger

- Rogers Road Slope Failure Update
- Mary Rose Estates Update
- City Hall closed Monday, December 26th and Monday, January 2nd
- Snow Plows and Crews – read to roll
- Acknowledgements
Merry Christmas to Council, Staff and Residents
- Upcoming Events
Mayor and Council due to take Re-Election Oaths on January 1st
Basketball Sign Ups continuing thru January

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

- No formal report was given.

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

- No formal report was given.
- Passage of Appropriations Ordinance for 2011 and Temporary Appropriations for 2012

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

- Camelot Court Project– Final Change Order and Final Pay Estimate under final contract amount – reduction of \$4,000
- Rogers Road Project – Initiated work this week – Geotechnical Engineering has begun
- Thanked Council for the past year, proud of the work that we have done together and wished everyone a Merry Christmas

COMMITTEE REPORTS

FINANCE – Raymond C. Somich, Chair

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

COMMITTEE MEETING DECEMBER 19, 2011

Members Present: Councilman Raymond C. Somich, Chair, Councilwoman Nancy E. Fellows

Also Present: Councilman Frank A. Germano, President Kevin D. Malecek, Vice President David A. Reichelt, Mayor Robert M. Weger, Finance Director Frank Brichacek

Purpose of the Meeting was to discuss City Finances and any other business.

Meeting convened at 6:50pm

Order of Business

- Year End Ordinance No. 2011-68 – explained and discussed why we needed to have various adjustments made to put our budget into good standing as of the end of the year
- First Quarter (Temporary Appropriations) Ordinance No. 2011-69 – based roughly on 25% of last year's expenditures and revenues but some seasonal adjustments made based on what the projections are for the new year
- Reviewed November Financial Reports
- Should have 2012 budgets to discuss in January
- **Consensus to approve both Ordinances and Adopt at the Regular Council Meeting to be held December 22nd**

Public Portion

The meeting was opened to the public for commentary at 7:15pm. Linda – Re: Gymnasium Fund balance \$156,000 could be moved only with involvement of County Courts. Frank – Garfield Fund has over \$5,000 in it.

Meeting adjourned at 7:18pm

PLANNING & ZONING – David M. Fiebig, Chair

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

- Councilman Fiebig was not in attendance; therefore no formal report was given.

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 DECEMBER 19, 2011

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

Also Present: Councilwoman Nancy E. Fellows, Mayor Robert M. Weger

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

Meeting convened at 7:19pm

Order of Business

Ordinance 2011-59 – Approving and Adopting the 2011 Master Plan (on Third Reading)

Committee Members remarked that there are still some ambiguities about the versions, especially the comparison between versions of the two. Many hands were tinkering with the versions of the Plan. To confidently pass this, all of the changes need to be properly documented and compared. Committee Members stated that Mr. Fiebig and Ms. Schreyer have worked on the Plan along with the rest of the Planning Commission. **More time is needed to review, so it will be left on Third Reading.**

Ordinance 2011-68, 69 – Reviewed in the Finance Committee

Resolution 2011-6 Approving Solid Waste Management District's Amended Plans 5 Year Update.

Need additional time to discuss it – should be introduced as Resolution 2012-1.

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 7:31pm

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

- Councilman Biro was not in attendance; therefore no formal report was given.

UTILITIES – Frank A. Germano, Chair

Committee Members:

Nancy E. Fellows, Raymond C. Somich

COMMITTEE MEETING DECEMBER 19, 2011

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

Also Present: President Kevin D. Malecek, Vice President David A. Reichelt, Mayor Robert M. Weger, Finance Director Frank J. Brichacek, 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 6:05pm

Order of Business

Items of Discussion:

- Euclid Rate is still not announced, so Finance Director is still waiting for numbers to work on our sewer rate; March is the 1st Quarter deadline for the sewer rates
- Because of errors in billing with Euclid, the City of Euclid became aware of WH Summer Sprinkling Program, for the condos are not recognized by Euclid
- Consensus of the Committee to request the Mayor have the City Engineer correspond with the City of Euclid for Sprinkling Programs for Pebblebrook and Steeplechase.

Public Portion

Public Portion opened at 6:58pm and with no one coming forth from the public sector, was promptly closed at 6:58pm.

Meeting adjourned at 6:58pm

PERSONNEL RELATIONS – Christopher L. Biro, Chair

Committee Members:

Raymond C. Somich, Mayor Robert M. Weger

- Councilman Biro was not in attendance; 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 7:16pm

1. Timothy Sherman
Local Coordinator for Toys for Tots
32307 Glen Arden Drive, Willowick
Re: On behalf of the Toys for Tots Program the City was presented with 10 bicycles to be distributed to children living within the City

Public Portion closed at 7:19pm

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. 2011-68

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2011-10 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 GERMANO, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2011-68.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-68 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fellows to adopt Ordinance No. 2011-68.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2011-68 has been adopted.

ORDINANCE NO. 2011-69

AN ORDINANCE PROVIDING FOR TEMPORARY APPROPRIATIONS TO MEET THE ORDINARY EXPENSES OF THE CITY OF WILLOUGHBY HILLS, STATE OF OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2012 THROUGH MARCH 31, 2012; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2011-69.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-69 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Reichelt to adopt Ordinance No. 2011-69.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2011-69 has been adopted.

NEW BUSINESS

MOTION MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to declare as surplus a 2004 Ford Crown Victoria, VIN#2FAHP71W04X141853, mileage of 126,450; value of vehicle to be less than \$1,000.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek stated that the above mentioned 2004 Ford Crown Victoria, VIN#2FAHP71W04X141853, mileage of 126,450; value of vehicle to be less than \$1,000 has been declared as surplus.

MOTION MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to declare Police Vehicle Equipment as surplus; the equipment as listed is under \$1,000 in value:

(2) Door Spot Lights; (6) SA-6 Sirens, (4) Siren Speakers, (3) Roof Mounted Light Bars, (10) Miscellaneous Strobe Power Supplies, (2) Ford Headlight Flashers, (2) In-Car Camcorders.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek stated that the above mentioned equipment with a value of less than \$1,000 has been declared as surplus.

MOTION MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to declare as surplus a 2005 Ford Crown Victoria, package painted black and white, VIN#2FAHP71W25X147274, mileage of 93,562; value of vehicle to be less than \$1,000.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek stated that the above mentioned 2005 Ford Crown Victoria, package black and white, VIN#2FAHP71W25X147274, mileage of 93,562; value of vehicle to be less than \$1,000 has been declared as surplus.

MOTION MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to declare the Corn Fest to be held in September 2012 to be a public purpose.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek stated that Corn Fest 2012 has been declared to be a public purpose.

MOTION MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to authorize the Mayor to approve Engineering Services not to exceed \$20,000 for the Design of Rogers Road Repair Project. **Councilman Somich requested verification that this cost (\$20,000 for Design) is already filtered into the grants and loans to pay for the project; all part of the same project and was already in that same budget estimate for the expense.**

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek stated that the Mayor is hereby authorized to approve Engineering Services not to exceed \$20,000 for the Design of Rogers Road Repair Project.

FOR THE GOOD OF THE ORDER

- Councilman Somich wanted to take this opportunity to thank Council President and Vice President of Council for their good work and attention in addressing the needs of community.
- Councilman Somich acknowledged the good work of the Finance Director, the Mayor and his Assistant, the Law Director and the City Engineer. Council values the good working relationship with the Administrative Staff.
- Councilman Reichelt acknowledged the good work of the Council Clerk as well as the support she has been able to provide to the Members of Council and Administration.

ADJOURNMENT

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

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek declared the Regular Council Meeting of December 22, 2011 to be adjourned at 7:31pm

APPROVED: January 9, 2012
Date

David A. Reichelt
David A. Reichelt
President of Council

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