

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

Absent: Law Director Thomas G. Lobe

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

PRESENTATION

President Malecek presented Resolution No. 2011-3 to Margaret “Peg” Morgan for her many years of service to the City of Willoughby Hills.

Disposition of the Journal Regular Council Meeting of September 8, 2011

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to approve the Minutes of the Regular Council Meeting of September 8, 2011 as submitted.

Roll Call: Reichelt-yes, Somich-yes, Biro-abstain, Fellows-yes, Fiebig-yes, Germano-yes, Malecek-yes
6 AYES, 1- ABSTENTION **MOTION PASSES**

President Malecek declared that the Regular Council Meeting Minutes of September 8, 2011 have been approved as submitted.

Correspondence

- Email received from Bob Kowalsky to Kevin D. Malecek re: Tax Credit
- Email: Response from President Malecek to Mr. Kowalsky, dated September 7, 2011 re: Tax Credit
- Mayor’s Court Monthly Statement to City Council for the month ending August 31, 2011 (Emailed: September 20, 2011)
- **FRANK J. BRICHACEK, DIRECTOR OF FINANCE TO MAYOR ROBERT WEGER AND MEMBERS OF CITY COUNCIL, DATED SEPTEMBER 16, 2011 RE: CERTIFICATION OF 2011 PROPERTY TAX RATES AS DETERMINED BY THE LAKE COUNTY BUDGET COMMISSION**

- **FINANCIAL REPORTS FOR THE MONTH ENDING AUGUST 2011 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS**

Notifications

- Planning and Zoning Commission & Architectural Board of Review Meeting Notification that the meeting of September 15, 2011 has been canceled
- Rules & Legislation Committee Meeting of September 19, 2011 (Emailed: September 19, 2011)

Minutes

- Planning and Zoning Commission & Architectural Board of Review Meeting of August 18, 2011 (Emailed: September 12, 2011)

MAYOR'S REPORT – Robert M. Weger

- 2010 Audit Report – Results in and available on line
- Update on Movie Theatre Robbery of September 21, 2011
- Eddy Road Update
- Dodd Road Update
- Flu Shots – Available at Community Center on October 4th, October 18th and November 15th – will process insurance fee of \$22 – come to Senior Potluck and plan to get your flu shot at the same time!
- Chevy Cruze Raffle Winner – not yet drawn; tickets still available at City Hall or Call Mayor's Office

- **Acknowledgements**

Thanks to all who attended & participated in 2011 Fall Corn Fest – Special thanks to our Fall Corn Fest Committee and our Police, Fire and Service Departments

It turned out to be a very beautiful event, probably extremely stressful for some people because everything changed in the middle when we started to experience some inclement weather, very large amounts of rain. Some decisions were made and they were excellent decisions; it was pulled off very smoothly, people that were not involved in the planning probably didn't know that anything had happened – so it was a very, very good event.

Congratulations to Matt McClendon, a member of Willoughby Hills Boy Scout Troop 562 who earns his Eagle Scout rank this weekend

- **Upcoming Events**

WH Historical Society & W-E Library present “Millionaire's row” on September 28th at 6:30 p.m. – register at the Library

Annual Hazardous Waste Drop Off at Lake County Fairgrounds – Saturday October 1st from 9am to 3pm

VFW Annual Clambake – Saturday, October 1st from 3pm to 6pm – call VFW Post Home for tickets

Fall Craft Fair – October 8th

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

- President Malecek stated that Todd Cipollo was attending for the Law Director Thomas G. Lobe.
- No formal report was given and there were no questions for the Law Director.

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

- No formal report was given.

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

- Update – Contractor working to finish restoration work on the sewer project; received the as built drawings on the project; the Engineer is going through the drawings for accuracy
- Completed draft of Operations and Maintenance Manual – Conformance for Loan Agreement – this is a good requirement for the loan and it is also good for the Service Department. Manual will be submitted to the OEPA for conformance to the loan requirements and the manual will also be reviewed in detailed with the Service Department to discuss further operational needs

- Engineer taking an active role in the restoration process; trying to meet with home owners with respect to some of the issues that they have
- Updated Punch List; landscape work not completed
- Number of properties connecting to the sewer and that is in advance of the letter from the LCHD; keeping Service Department busy with sewer inspections
- Recommended Service and Utilities Committee Meetings (alternating) – Agenda and Issue items have been included with the City Engineer’s Status Report – Meetings should be held every two weeks
 - Utilities Meeting to wrap up Sewer Project
 - Service Meeting to address flooding and drainage issues

COMMITTEE REPORTS

FINANCE – Raymond C. Somich, Chair

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

- The Finance Committee has not met; therefore no formal report was given.
- A Committee Meeting has been called for Monday, September 26th at 5:00pm to address: Financial Reports (July and August), Proposed Property Acquisition, Proposed Development for the west end of town

PLANNING & ZONING – David M. Fiebig, Chair

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

- The Planning & Zoning Committee has not met; 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 SEPTEMBER 19, 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

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

Meeting convened at 6:40 p.m.

Order of Business

Ordinance 2011-56: Contractor Registration. Germano – given power to someone to judge character – if person for his company – City puts out criteria – should be no reason to refuse the permit. Fiebig – echo Mr. Germano here – has to be a good cause – pretty arbitrary – most have problem with the language “any and all” – determined by a lone individual that does not have the accountability – don’t want any needless lawsuits. Specific contractor and specific issue that we had problems with – resolution to that was to double his bond – clear message. We do not have in our current ordinance anyway to do that legally – anyway in the party to the City – what is the problem – bad contractor – set the bar higher for him. Zoning inspector suspend certificate for ninety days. Come back and apply them again. Not that the Building Inspector – already followed the law – 173.08 C – terms could be reviewed by BZ Inspector, BZA, Council, Mayor – more than one person involved. Allowing contractors to work here through a different process. Reichelt – existing section already gives the Building Inspector that authority anyway – need to hear from Mr. Cihula. Cihula – repeat reasons above that he can suspend the license or registration – does not address failing to go ahead in the first place. Those reasons are now in the code – what is wrong with what is in the code right now. Do not apply to refusing to register in the first place. Beginning of the next year – guy wants to come back and register again. Fiebig – City does not have the ability to judge or choose contractors. What right did our prosecutor have to do that? Cihula – because of that agreement, never came to trial. Possibly could be reworded – to cover the suspension – situations where contractor is suspended. Past performance – not be able to use that to refuse to register you. Reichelt – go back to previous scenario – had contracts with constituents – failed to meet the contractual obligations. Why would we want to give a guy a permit? Conditional permit possibility?

Fellows – exactly right – we have everything in place to revoke a registration. We don't have something in place to reinstate revoked registered contractor license. The BZA voted on this proposal and brought – addendum made. Cihula – the Law Director did first – the BZA brought forth their recommendation – the BZA. Representation that BZA proposed – what is the definition of the word good cause? Could be construed as discriminating. Germano – took too many permits out there and could not perform – perhaps we do one permit at a time. Conditional permit idea – you would have to make it specific – put a condition on it. Fiebig - Want to protect the residents but cannot become a police state for contractors. Biro – can you relegate that to the Building Inspector? Giving him the power to re-renew it. Fiebig – what is legislation for – avoid that problem ever again. Solve one problem with one contractor. Biro – how much of a problem is it for contractors in the City? Been other shading remodeling.

We will ensure the Law Director can be at the next Rules Meeting so we can discuss the issue further. Keep off of the agenda for Thursday and we will rehear again at the meeting of October 10th.

Resolution 2011-3: Accept Amounts and Rates for the Year 2012 as determined by the Budget Commission.

Consensus to waive Three Reading Rule and Adopt at Council this Evening.

Deer Management and Snowplowing at next meeting on October 10th

Public Portion

Robert Kowalsky – this guy comes to town if we give him the benefit of any doubt, he overdoes himself – cheaper for me – guys want to go for it – the guy violates it and so what do we have – customers our residents who have now been screwed for a better word and the guy gets suspended. For a reason – that reason is going to be delivered by building inspector. When he gets suspended for good, bad or whatever. All contingent on resolving the problem – gets his permit back. Resolves the problem with the customer, the residents – if he doesn't he can't come back. Didn't discriminate against anyone. Might be legal to let residents know that this contractor did not resolve the problems – what's good, good, what's bad, and you know here is the cool part – leaves it right with the building inspector – can leave that all out there without relating to coming back. Keep on adding paragraphs to it – the building inspector has authority. All contingent on resolving the problem. There might be 50,000 other people come back – get a guy to do my roof and messes up – building inspector sees it – he should – should be able to try to resolve it.

Meeting adjourned at 7:06 p.m.

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

- The Service Committee as not met; therefore no formal report was given.
- Announced that a Service Committee will be scheduled to address flooding and drainage issues

UTILITIES – Frank A. Germano, Chair

Committee Members:

Nancy E. Fellows, Raymond C. Somich

- The Utilities Committee has not met; therefore no formal report was given.
- Councilman Germano announced that a Utilities Committee has been scheduled for Monday, September 26th at 6:00pm

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 7:23pm

1. **Christian J. Haffey**
2871 Camelot Court
Re: Submitted proposal to Administration and Council
2. **Robert Kowalsky**
2585 Timberline Drive
Re: Tax Credit/City Notification Process for Mosquito Spraying

Public Portion closed at 7:26pm

UNFINISHED BUSINESS

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

LEGISLATION

RESOLUTION NO. 2011-3

A RESOLUTION AUTHORIZING THE CITY OF WILLOUGHBY HILLS TO ACCEPT THE AMOUNTS AND RATES FOR THE YEAR 2012 AS DETERMINED BY THE BUDGET COMMISSION OF LAKE COUNTY, OHIO AND AUTHORIZING THE NECESSARY TAX LEVIES AND THE CERTIFICATION THEREOF TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2011-3.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Resolution No. 2011-3 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Biro to adopt Resolution No. 2011-3.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Resolution No. 2011-3 has been adopted.

NEW BUSINESS

President Malecek stated that he would consider a motion to adjourn into Executive Session for Personnel Relations matters to be held after “For the Good of the Order”.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adjourn into Executive Session for Personnel Relations matters, inviting the Mayor after a brief interlude, and the acting Law Director at that point and time as well.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that there will an Executive Session immediately following “For the Good of the Order”. President Malecek addressed the members of the public, stating that there will be no further business after the Executive Session, so feel free to depart. President Malecek also extended the same courtesy to the Finance Director and the City Engineer.

FOR THE GOOD OF THE ORDER

- Councilman Somich announced the following events:

Veteran's Appreciation Day for the County taking place tomorrow (Friday, September 23rd) from 11am to 3pm in Painesville, right on the square, sponsored by American Legion Post 336 – free to all veterans, includes food and activities.

Great Lakes Mall hosting a Military Day, Saturday, September 24th; Special Program at 1:00pm honoring all current members of the military and all veterans.

Beginning in October, there is an **Arthritis Walk** that will take place at Lake Metro Farm Park. Anyone interested in getting more information may contact the Lake Metro Farm Park.

Dress for Success – Friday, October 7th from 5:00pm to 9:00pm – Event to be held at the Great Lakes Mall. This is a Nationwide Program offering an opportunity for those who are no longer in need of their professional clothing to donate to others who may then benefit from such a donation.

President Malecek announced at 7:30pm that the Members of Council will now adjourn into Executive Session.

Council reconvened at 7:53pm with all Members of Council, the Mayor and the attending Law Director present.

ADJOURNMENT

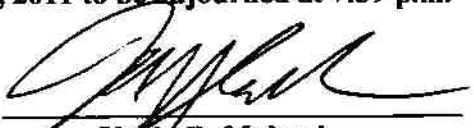
MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to adjourn the Meeting.

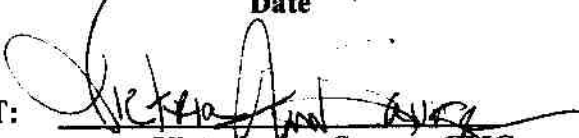
Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared the Regular Council Meeting of September 8, 2011 to be adjourned at 7:39 p.m.

APPROVED: October 13, 2011
Date


Kevin D. Malecek
President of Council

ATTEST: 
Victoria Ann Savage, CMC
Clerk of Council