

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of September 12, 2013

*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 Kevin D. Malecek, President David A. Reichelt, Councilman Christopher L. Biro, Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano

**Absent:** Councilman Raymond C. Somich, Law Director Thomas G. Lobe

**Also Present:** Mayor Robert M. Weger, Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. DiFranco, Clerk of Council Victoria Ann Savage

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to excuse Councilman Raymond C. Somich from the Regular Council Meeting of September 12, 2013.

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

**President Reichelt declared that Councilman Raymond C. Somich has been excused from the Regular Council Meeting of September 12, 2013.**

#### **Disposition of the Journal** Regular Council Meeting of June 27, 2013

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to approve the Regular Council Meeting Minutes of June 27, 2013 as submitted.

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

**President Reichelt declared that the Regular Council Meeting Minutes of June 27, 2013 have been approved as submitted.**

#### **Regular Council Meeting of July 11, 2013**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of July 11, 2013 as submitted.

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

**President Reichelt declared that the Regular Council Meeting Minutes of July 11, 2013 have been approved as submitted.**

#### **CORRESPONDENCE**

Letter from Resident located at 34905 Dixon Road, dated August 21, 2013 re: 35100 Chardon Road – Clover Development (Emailed: August 27, 2013)

WH Community Center Rentals for August 2013 (Emailed: August 28, 2013)

Chagrin River Watershed Partners, Inc., dated September 3, 2013 re: Flooding and Drainage concerns at 2475 Mapleview Lane (Emailed: September 9, 2013)

Chagrin River Watershed Partners, Inc., dated September 3, 2013 re: Drainage concerns at 38050 Rogers Road

(Emailed: September 9, 2013)

City Engineer's Report dated September 5, 2013 (Emailed: September 5, 2013)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month of July 2013 (Emailed: September 9, 2013)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month of August 2013 (Emailed: September 9, 2013)

**FINANCIAL REPORTS FOR THE MONTH ENDING JUNE 2013 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: July 25, 2013)**

**FINANCIAL REPORTS FOR THE MONTH ENDING JULY 2013 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: AUGUST 13, 2013)**

## **NOTIFICATIONS**

Board of Zoning Appeals Meeting of August 13, 2013 (Emailed: July 30, 2013)

Civil Service Commission Meeting of September 20, 2013 (Emailed: September 5, 2013)

Cuyahoga County Department of Public Works/Cuyahoga County Airport – Noise Abatement Council Meeting of September 27, 2013 (Emailed: August 27, 2013)

Cancellation of Planning & Zoning Commission and Architectural Board of Review Meeting of August 1, 2013 for lack of pending projects (Emailed: July 29, 2013)

Planning & Zoning Commission and Architectural Board of Review Meeting of August 15, 2013 (Emailed: August 12, 2013)

Planning & Zoning Commission and Architectural Board of Review Meeting of September 5, 2013 (Emailed: September 3, 2013)

Recreation Commission Meeting of September 4, 2013 (Emailed: August 21, 2013)

Rules and Legislation Committee Meeting of September 9, 2013 (Emailed: September 5, 2013)

Service Committee Meeting of September 9, 2013 (Emailed: September 5, 2013)

## **MINUTES**

Planning & Zoning Commission and Architectural Board of Review Meeting of July 8, 2013- posted on the City's Website as of August 23, 2013

## **ON FILE**

WH Senior Center August 2013 Newsletter, Issue Number 64

WH Senior Center September 2013 Newsletter, Issue Number 65

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

Work being completed on Hanna Road

Pleasant Valley Road Bridge work done

SWIF Grant Project continues at Community Center – Project Recap previously provided to Council

Construction started on Cricket Lane Drainage Project

Pavement markings nearly complete

Gatsby/Kristen Court Pavement Improvements nearly complete

Local Innovative Government Fund Grant Application completed by Mayor's Assistance – a collaborative effort with 7 other municipalities to try to acquire a sewer camera with lateral launch – Project estimated Grant Request of \$234,000

### **Acknowledgements**

Congratulations to Mary Rose Estates who celebrated their Grand Opening yesterday

### **Events**

Quilt Show Gallery Reception – Friday, September 13<sup>th</sup> from 7 to 9pm

VFW Spaghetti Dinner – Sunday, September 15<sup>th</sup>

Color Run – September 21<sup>st</sup>

Craft Show – October 12<sup>th</sup>

**LAW DIRECTOR’S REPORT – Thomas G. Lobe**

Law Director was not in attendance; therefore, no formal report was given.

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

No formal report was given

**CITY ENGINEER’S REPORT – Pietro A. DiFranco, P.E.**

Preconstruction Meeting was held early this evening for the Rosewood Pipe Project – Met with the Contractor and both residents adjacent to the Project; residents are very excited to finally have this work done – looking to have the Project completed by the end of next week

**COMMITTEE REPORTS**

**President Reichelt asked if there were any Committee Chairs who would like to provide a report. Reports have been listed alphabetically by Committee.**

**PLANNING AND ZONING COMMITTEE – David M. Fiebig, Chair**

**Committee Members: Nancy E. Fellows, Frank A. Germano**

**Councilman Fiebig, serving as the Council Representative on the Planning and Zoning Commission, wanted to report that the final approval for Clover Construction Development was granted by the Planning and Zoning Commission.**

**RECREATION – Christopher L. Biro, Chair**

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

**Councilman Biro announced that the Recreation Committee will meet on Monday, September 23<sup>rd</sup> at 6:30pm. Topic of discussion will be the establishment of rental rates for the Veteran’s Memorial Park.**

**RULES & LEGISLATION – David A. Reichelt, Chair**

**Committee Members: Nancy E. Fellows, Kevin D. Malecek**

**COMMITTEE MEETING OF SEPTEMBER 9, 2013**

**Members Present:** President David A. Reichelt, Chair, Councilwoman Nancy E. Fellows, Councilman Kevin D. Malecek

**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Raymond C. Somich, Law Director Lobe, Mayor Robert M. Weger

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

**Meeting convened at 5:50pm**

*Order of Business*

**Ordinance No. 2013-39** – Disposal of a 1989 Sutphen Fire Pumper with said Fire Pumper to be sold to the Village of Grand River for the maximum amount of \$22,500.

**It was the consensus of the Committee to recommend adoption of the Ordinance at the Regular Council Meeting of September 12, 2013.**

**Ordinance No. 2013-40** – Modifying Budget Allocations

**It was the consensus of the Committee to recommend adoption of the Ordinance at the Regular Council Meeting of July 25, 2013**

**Resolution No. 2013-13** – Dedicating the Willoughby Hills Veterans Memorial Park as a City Park and Declaring it a Public Facility

**Resolution No. 2013-14** – Commending the fine work performed by Boy Scout Troop #562 benefiting the City

**Resolution No. 2013-15** – Commending Boy Scout Troop #562 Member Jonathan Rullis for his fine work and overseeing the work performed by his fellow troop members on the Footbridge Project located at the Veterans Memorial Park

**Resolution No. 2013-17** – Authorizing the City to accept the amounts and rates for the year 2014 as determined by the Budget Commission of Lake County and authorizing the necessary tax levies and the certification thereof to the County

Auditor
<b>Resolution No. 2013-18</b> – Approve a Then and Now Certificate and to authorize the Finance director to draw a warrant for the orders or contracts associated with such certificate
<b>It was the consensus of the Committee to recommend adoption of the abovementioned legislation at the Regular Council Meeting of September 12, 2013</b>
<b>Report was given by the Law Director updating the Committee on the status of closing of the Buckeye Charity Gambling Center and the status of the Internet Cafes as well as touching on the pending lawsuit pertaining to the legality of the cafes</b>
<i>Public Portion</i>
<b>Public Portion was opened at 6:30pm and with no one coming forth from the public sector, public portion was promptly closed.</b>
<b>Meeting adjourned at 6:30pm</b>

**SERVICE – Nancy E. Fellows, Chair**

**Committee Members:** Frank A. Germano, Kevin D. Malecek

Councilwoman Fellows announced that the minutes for the Service Committee held on September 9<sup>th</sup> will be given at the next Regular Council Meeting scheduled for September 26<sup>th</sup>.

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

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

Councilman Germano announced that the Utilities Committee will meet on Monday, September 23<sup>rd</sup> at 7:00pm. Topic of discussion will be the Sanitary Sewer Rates.

**OTHER COUNCIL REPRESENTATIVE REPORTS**

**There were no other Council Representative Reports brought forth by any of the Members**

**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 7:15pm**

1. Linda Fulton – President of the North Coast Lions  
2990 Marcum Boulevard  
Re: Challenged Council to participate in the 1<sup>st</sup> Annual Safety and Awareness Walk
2. Charles Platia  
2445 Somrack Drive  
Re: Question the time required by road construction contractors to complete road projects within the City;  
Questioned why the Service Department doesn't do more of the road resurfacing/maintenance of Roads

**Public Portion was closed at 7:20pm**

**UNFINISHED BUSINESS**

**There was no unfinished business for the Members to address.**

**LEGISLATION**

**ORDINANCE NO. 2013-39**

**AN ORDINANCE PROVIDING FOR THE SALE OF PERSONAL PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSE AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-39.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-39 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to adopt Ordinance No. 2013-39.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2013-39 has been adopted.**

**ORDINANCE NO. 2013-40**

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-13 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 MALECEK**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2013-40.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-40 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Fiebig to adopt Ordinance No. 2013-40.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Ordinance No. 2013-40 has been adopted.**

**RESOLUTION NO. 2013-13**

**A RESOLUTION OFFICIALLY DEDICATING THE WILLOUGHBY HILLS VETERANS MEMORIAL PARK AS A CITY PARK AND DECLARING IT A PUBLIC FACILITY.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2013-13.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Resolution No. 2013-13 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilwoman Fellows to adopt Resolution No. 2013-13.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Reichelt declared that Resolution No. 2013-13 has been adopted.**

**RESOLUTION NO. 2013-14**

**A RESOLUTION COMMENDING THE FINE WORK PERFORMED BY BOY SCOUT TROOP #562 BENEFITING THE CITY OF WILLOUGHBY HILLS AND ITS RESIDENTS.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to suspend the Three Reading Rule for Resolution No. 2013-14.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared that the Three Reading Rule for Resolution No. 2013-14 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to adopt Resolution No. 2013-14.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

President Reichelt declared that Resolution No. 2013-14 has been adopted.

**RESOLUTION NO. 2013-15**

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**A RESOLUTION COMMENDING BOY SCOUT TROOP #562 MEMBER JONATHAN RULLIS FOR HIS FINE WORK AND OVERSEEING THE WORK PERFORMED BY HIS FELLOW TROOP MEMBERS ON THE FOOTBRIDGE PROJECT LOCATED AT THE VETERANS MEMORIAL PARK.**

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MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Resolution No. 2013-15.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Resolution No. 2013-15 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to adopt Resolution No. 2013-15.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Resolution No. 2013-15 has been adopted.

**RESOLUTION NO. 2013-17**

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**A RESOLUTION AUTHORIZING THE CITY OF WILLOUGHBY HILLS TO ACCEPT THE AMOUNTS AND RATES FOR THE YEAR 2014 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.**

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MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2013-17.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Resolution No. 2013-17 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to adopt Resolution No. 2013-17.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Resolution No. 2013-17 has been adopted.

**RESOLUTION NO. 2013-18**

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**A RESOLUTION TO APPROVE A THEN AND NOW CERTIFICATE AND TO AUTHORIZE THE FINANCE DIRECTOR TO DRAW A WARRANT FOR THE ORDERS OR CONTRACTS ASSOCIATED WITH SUCH CERTIFICATE AND DECLARING AN EMERGENCY.**

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MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Resolution No. 2013-18.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Resolution No. 2013-18 has been suspended.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilwoman Fellows to adopt Resolution No. 2013-18.

President Reichelt stated that this a procedural Resolution that the City has been following by the recommendation of the State Auditor in order to ensure that all of our purchases are properly processed and we have been doing this through the years that we have needed to and this was a cases which was discussed in committee and we are in compliance with State Rules.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Resolution No. 2013-18 has been adopted.

**NEW BUSINESS**

There was no new business brought forth to be considered by the Members of Council

**FOR THE GOOD OF THE ORDER**

**Councilman Fiebig:**

Kudos to the Service Department for their pavement work on Hanna Road

Spirit of Halloween located in the Sears Building

Acknowledged the passing of resident Robert A. Patton, Robert was a proud Army veteran, a St. Williams Choir member and a teacher/counselor who retired in 1999 from the Willoughby-Eastlake School System after more than 30 years of service

Chagrin River Watershed Partners Meeting to be held September 17<sup>th</sup>; serving as the City's Trustee, if any one has any issues, please let him know and he will be happy to present them at the meeting

Gathering of Authors – WH Community Center – September 21<sup>st</sup>

**Mayor Weger**

Acknowledged the passing of Dale Greig, 82, resident of Willoughby Hills for the past 52 years, passed away peacefully at his home Tuesday, Sept. 10, 2013

**President Reichelt:**

Art Gallery Opening tomorrow evening at 7:00pm – Quilt Display – Raffle for Quilt – Refreshments

VFW hosting Annual Fund Raiser - Spaghetti Dinner to be held at 3:00pm on Sunday, September 15<sup>th</sup> at the post located on White Road

**ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to adjourn the Regular Council Meeting of September 12, 2013.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Reichelt declared the Regular Council Meeting of September 12, 2013 to be adjourned at 7:35pm**

APPROVED: October 10, 2013  
Date

David A. Reichelt  
David A. Reichelt  
President of Council

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