

City of Willoughby Hills

Regular Council Meeting

Minutes of June 28, 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: Councilman Raymond C. Somich

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 MALECEK, seconded by Councilwoman Fellows to excuse Councilman Raymond C. Somich from the Regular Council Meeting of June 28, 2012.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Councilman Raymond C. Somich has been excused from attending the Regular Council Meeting of June 28, 2012.

President Reichelt stated that the first order of business would be the swearing-in of new Full-Time Police Officers and Firefighters by the Mayor.

The Mayor opened by stating that he was going to extend the Council meeting to about hour because he had so many things to do and then went on to say that it is kind of a different day here in Willoughby Hills, because this year alone, we have already sworn in two Full Time Policemen and tonight we are getting prepared to swear-in two more Policemen, something that we haven't done for over a decade, it shows how Willoughby Hills is getting their act together and making things work within the time frame and budget that the City has.

The Mayor sworn-in the following Officers & Firefighters:

Full-Time Police Officer: Anthony Mino

Police Chief Collins informed Council that Tony Mino comes to our Department with over twenty-two years of experience; he worked in East St. Louis, Lake County Narcotics and most recently with the Ashtabula County Sheriff's Office, he has also been a part-time police officer with the Willoughby Hills Police Department, has special training in narcotics and has been a field training officer. We are very fortunate to have him as a member of our staff.

Full-Time Police Officer: Kevin Raico

Police Chief Collins stated that Kevin comes to the City with over eight years of law enforcement experience, started with the Village of Kirtland Hills and most recently the Lake County Sheriff's Office and he has

worked for us for the last 15 months, so again he brings a lot of experience and we are glad to have him on board.

Part-Time Firefighters, Class C: Gregory Ventura & Jeremy Smelcer

Fire Chief Harmon informed Council that Gregory has been with the Fire Department since 1996 but he had to take a short break, and it is great to have him back. Chief Harmon is very glad to have him back.

Fire Chief Harmon informed Council that Jeremy has eight years in the fire service, he is full-time with Highland Heights, he is a well qualified firefighter, paramedic. Jeremy is also part of the Hillcrest Technical Rescue Team and has specialized training in swift water and rope rescue. Chief Harmon stated that we are looking forward to having him join our team.

Part-Time Firefighter, Class D: Sean Lawlor

Fire Chief Harmon stated that Sean is new to the fire service however he is an Iraqi War Veteran. Some of the outstanding awards that he has received are the Army Achievement Award for Exemplary Service, the Iraqi Campaign and the Global War Against Terrorism Metal , the Outstanding Volunteer Service Metal for his contributions to EMS and Fire, his Ever Forward Metal for working with wounded and returning soldiers from Afghanistan and Iraq. After Sean returned and discharged from the Army he has steadily worked his way through paramedic and fire school, he is a graduate of the State of Ohio Fire Academy; he was second in the class. Chief Harmon stated that he is going to be not only a great addition to the City but to the service.

The Mayor presented Police Officer Randy Mullenax with a Proclamation for his outstanding performance in life saving. Just today Randy received the Life Saving Award presented by the Lake County Association of Chiefs of Police.

PUBLIC HEARING

ORDINANCE NO. 2012-29

AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2013 FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Public Hearing for Ordinance No. 2012-29 was opened at 7:23pm with no one coming forth from the public sector, the Public Hearing was promptly closed at 7:23pm.

Disposition of the Journal Regular Council Meeting of May 24, 2012

The Regular Council Meeting Minutes for May 24, 2012 are being further reviewed.

Correspondence

- Richard J. Iafelice, City Engineer to Mr. James R. Gills, P.E./Lake County Engineer, dated June 14, 2012, re: OPWC Funding Pre-Application Form/Willoughby Hills, Ohio/Round 27 – Program Year 2013
- **FINANCIAL REPORTS FOR THE MONTH ENDING MAY 2012 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: June 18, 2012)**

Notifications

- **BOARD OF BUILDING AND ZONING APPEALS MEETING OF JULY 10, 2012 (Emailed: June 27, 2012)**
- **BOARD OF BUILDING AND ZONING APPEALS WILL HOLD A PUBLIC HEARING ON JULY 10, 2012 FOR CASE N O. 2012-2 AND FOR CASE NO. 2012-3 (Emailed: June 28, 2012)**
- Planning & Zoning Commission and Architectural Board of Review Meeting of June 21, 2012 – has been ***cancelled*** for there are no pending projects (Emailed: June 18, 2012)
- Rules & Legislation Committee Meeting of June 25, 2012 (Emailed: June 21, 2012)
- Service Committee Meeting of June 25, 2012 (Emailed: June 21, 2012)

Minutes

- Finance Committee Meeting of June 14, 2012 (Emailed: June 18, 2012)
- Recreation Commission Meeting of May 2, 2012 (Emailed: June 20, 2012)
- **RULES AND LEGISLATION COMMITTEE MEETING MINUTES OF JUNE 25, 2012 (Emailed: June 28, 2012)**

On File

- **LETTER TO ROBERT M. WEGER, MAYOR, DATED JUNE 18, 2012 FROM (4) CHARDON ROAD RESIDENTS RE: DRAINAGE IMPROVEMENTS; A COPY OF WHICH WAS PROVIDED TO THE MEMBERS OF COUNCIL (Emailed: June 26, 2012)**
- WH Senior Center Activity Pages for July 2012, Issue Number 7

MAYOR'S REPORT – Robert M. Weger

- **Rogers Road Update** – Progressing very well – may open next week before the 4th of July
- **Maple Grove Bridge Update** – End of November before project is complete
- **Recycling Magnets** – mailed out today with the recycling dates for the next 12 months
- **Codified Ordinances** – now available on the City's Website
- **Acknowledgements**
 - Thanked Day of Caring Participants – Projects included painting a garage and the painting of a house and garage; all the projects were within the City
 - Congratulations to Sgt. Mike Planisek on his retirement
 - Condolences to the family of Robert Goodwin, former WH Police Chief
- **Upcoming Events**
 - Art Gallery Reception – Friday, July 6th from 7:00pm to 9:00pm
 - Community Flea Market – August 11th
 - WH Touch-A-Truck – August 25th
 - Fall Corn Fest – September 8th & 9th
 - Flu Shots will be available in September & October at Senior Room – more details to follow
- **Noted that the gas prices in the City were \$3.27 as compared to the City of Willoughby where the price of gas was at \$3.29**

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

- Requested an Executive Session pursuant to Section 107.08, B(1), B(4) of the Codified Ordinances, for the appointment and compensation of a public official and requesting the members of Council, the Mayor and the Law Director to attend.

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

- No formal report was given.

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

- Recommended that the Utilities Committee meet to discuss facility planning in the near term and in the long term, Service Committee to meet to continue discussion on general drainage issues, while not urgent issues, need to be put on the calendar.

COMMITTEE REPORTS

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

RULES & LEGISLATION – David A. Reichelt, Chair

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

COMMITTEE MEETING OF JUNE 25, 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, Law Director Thomas G. Lobe, City Engineer Richard Iafelice, Mayor Robert M. Weger

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

Meeting convened at 6:42pm

Order of Business

Resolution 2012-7 – Supporting the development of the Riverrock house on the Penfield property on River Road. It was suggested that Section 1 and Section 2 be changed from “The government of the City of Willoughby Hills hereby...” to read: “The City hereby...” **With that, it was the consensus of the committee to waive the three reading rule and recommend the resolution for adoption on Thursday.**

Resolution 2012-8 – Approving a Then & Now Certificate for the purchase of fuel from Melzer’s Fuel Service of Painesville, and authorizing the Finance Director to draw a warrant for the associated order. **It was the consensus of the committee to waive the three reading rule and recommend the resolution for adoption on Thursday.**

The Committee discussed the standing Policies of Council and amended Policy #4, as follows: Delete the line “This rule has no provision for suspension” and add “Council may waive this policy with an affirmative vote of five members at any Council Meeting.”

Public Portion

Opened: 7:02pm

Mr. Kowalsky spoke on a number of topics, including gasoline prices and the Policies of Council. Mr. Cihula suggested that the new Riverrock House (the subject of Resolution 2012-7) might not comply with our Zoning Code and asserted that the Board of Zoning Appeals might not be in support the adoption of said Resolution.

Closed: 7:07pm

Meeting adjourned at 7:07pm

SERVICE – Nancy E Fellows, Chair

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

COMMITTEE MEETING OF JUNE 25, 2012

Members Present: Vice President Nancy E. Fellows, Councilman Frank A. Germano, Councilman Kevin D. Malecek

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, President David A. Reichelt, Law Director Thomas G. Lobe, City Engineer Richard Iafelice, Mayor Robert M. Weger

Purpose of the Meeting was to discuss (1) Annual Road Program: Discuss Streets for 2012 – Canterbury Court Cul-De-Sac and Riviera Ridge (2) Additional Engineering Service Updates and any other business.

Meeting convened at 7:07pm

Order of Business

1. **Update on Rogers Road** – The road work is mostly complete and ahead of schedule. The road closed on May 7th, 60 days slated for the project, pavement, wall, guard rail, storm sewers, etc all completed. When the rock channel was being installed an edge of the road began coming apart. With a minor change order, a \$5,000 allowance is enough to stabilize the road.
2. Additionally, there is a 2nd slide at the bottom of the Rogers Road hill, on the east side of the river. Not a large area, but big enough to cause the sub grade of the road to crack. A design was prepared using information from the Rogers Road Bridge Design. Lake County Storm Water Management is to fund this repair, \$50,000 Change Order to repair 2nd slide and pavement repair, as well as the catch basin. The contractor will maintain traffic while this is being repaired. Schedule forthcoming for repair.
3. **Update Maple Grove Bridge** – ODOT managing this project. There have been some resident’s complaints; damage to home/property. City is sent weekly updates mostly aligned with safety. 180 days from May to November, for reopen, but not end of the project.

4. **SOM Center Bridge Repair by State of Ohio**
5. Drainage items – Cricket Lane, localized flooding problems, due to storm water sewers on Chardon causing drainage flow from Chardon down Cricket. Drainage ditch closures being halted at this time. Future Committee discussion on ditch enclosures over all.
6. **Flooding from Sayle Farm Properties.** City Engineer lobbied the County Storm Water Management Department for assistance. Challenge to get back to the area. The swale needs to be corrected as well as eliminating the City’s easement.
7. **Gatsby Draining Issues**– Councilman Biro inquired about ditches being covered, where as surface water then hits the road and floods the cul-de-sac. Our Service Department schedule to address.
Hunting Trail – Private Street. Residents do not want storm sewer improvement, is aligned with Rockefeller residents
8. FYI – NOACA communicated to cities to review and update clean water plans. Need to review maps and update / modify. For Utilities Committee to review.
9. Lake County Health District – has concerns aligned with WH residents that have not allowed internal plumbing inspections after sewers installed. This is Area B, need required dye test. ~18 residents. Lake County cannot close these out without this compliance. Not sure who will be following up on this?
10. OPWC – submitted packet to County Engineer with 2 pre-applications to complete Maple Grove Road on east and west side of bridge and also with Kirtland to reconstruct Worrell Road.

Additional Business:

- ***Canterbury Court** – P.O. awarded to Bowen & Associates to do the design
- ***Rivera Ridge** – Bowen as well
- ***Valley Brook** – to do overlay, City has received bids, less expensive for regular asphalt company repair instead of the Service Department
- *Two new service trucks in, getting outfitted

Public Portion

The following people came forth with questions/comments: Frank Cihula has pictures of the Rogers Road repair if anyone is interested. Bob Kowalski, inquired to engineer concerned about if we get rain, how it will affect projects? Also voiced concerns about the residents that have not had internal inspections following sewer connections.

Meeting adjourned at 7:53pm

OTHER COUNCIL REPRESENTATIVE REPORTS

- **President Reichelt serving as the City’s Representative on the Cuyahoga County Noise Abatement Council reported on the Noise Abatement Meeting held this last Wednesday at 10:00am. The Council unanimously adopted the work which had been in process for well over a year, it is a flyer which will be disseminated to pilots both incoming and outgoing. The flyer outlines the Noise Abatement Policy as well as gives basic information about the airport. There was a change adopted by the Council and the Airport Administration which changes the time limit for complaints that will be researched. Before complaints received by the Airport were researched whenever they were submitted and for whatever duration or the length of time that had expired between the incident and the report were still researched and reported. Complaints will still be accepted; however, they will no longer be researching complaints occurring 72 hours after the incident. Finally, there was quite a bit of discussion pertaining to the residents on Tall Tree Trail.**

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 7:35pm

1. Joan Mazie
2837 Stark Drive
Re: (1) Thanked City for painting her garage; (2) Still patiently waiting for a fence to be erected at the end of Stark Drive; (3) Noise Pollination coming from Church

2. Robert Kowalsky
2585 Timberline Drive
Re: Resolution No. 2012-7; Resolution No. 2012-8 - Does Resolution No. 2012-7 conform to the City's Zoning Code?

Public Portion was closed at 7:39pm

UNFINISHED BUSINESS

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

LEGISLATION

ORDINANCE NO. 2012-25 – THIRD READING

AN ORDINANCE APPROVING AND ADOPTING THE 2011 MASTER PLAN FOR COMPREHENSIVE LAND USE FOR THE CITY OF WILLOUGHBY HILLS OHIO.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to adopt Ordinance No. 2012-25.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2012-25 has been adopted.

ORDINANCE NO. 2012-29 – SECOND READING

AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2013 FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

President Reichelt declared that Ordinance No. 2012-29 will remain on Second Reading.

RESOLUTION NO. 2012-7

A RESOLUTION SUPPORTING THE DEVELOPMENT OF FRANK LLOYD WRIGHT'S FINAL RESIDENTIAL COMMISSION, THE RIVERROCK HOUSE, ON THE ORIGINAL SITE OF THE PLANS ADJACENT TO THE LOUIS PENFIELD HOUSE, 2203 RIVER ROAD, WILLOUGHBY HILLS, OHIO.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Malecek to suspend the Three Reading Rule for Resolution No. 2012-7.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Resolution No. 2012-7 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Malecek to adopt Resolution No. 2012-7.

Councilman Malecek request a moment to make the following statement: This is a project that is a long way off. There were some statements that were made claiming that Council was endorsing plans, or that type of thing, that is not what really is happening here; there are no current plans that are in front of any Commissions, that are in front of any Boards of the city to have this done, this is a conceptual idea, something that has the potential to bring tremendous historical value, tremendous notoriety to the City and potentially put us on the map in the architectural world where we will have a major landmark potentially down the road. That is all this is, as is any Resolution of Council; it is merely an expression of that sentiment.

President Reichelt stated that there is nothing being given by the City, there are no-out-of-pocket costs for this, there is nothing, just strictly a sentiment of support.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Resolution No. 2012-7 has been adopted.

RESOLUTION NO. 2012-8

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.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2012-8.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared that the Three Reading Rule for Resolution No. 2012-8 has been suspended.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Fiebig to adopt Resolution No. 2012-8.

Roll Call: 6 AYES – unanimous

MOTION PASSES

The Law Director stated that he would like to comment on this Resolution for there are some misconceptions in place regarding the use of a Then and Now Certificate. There are matters that routinely come up and they are for audit compliance. The City hasn't done Then and Now Certificates in the past; it should be done this way and it is going to happen and every once in a while, it will happen. This is a matter of house cleaning in the Finance Department that is what this really is. The Auditors want these types of things, it is expected and it happens with all governmental bodies and we need compliance and we need these resolutions from Council so that the City doesn't receive a noncompliance or a recommendation from the Auditors. It is not a strike that we are doing this; in fact it is a compliment that we are doing this. We are just cleaning out the auditing of the financial corners that should be done and this is how you do it, in case something does "slip through the nets, this is how you correct it along the way and it shouldn't be caught by the Auditors. The Law Director is very proud that Finance Director Brichacek is doing this. Again, you will get these every once in a while, it doesn't mean that we are doing things wrong, it just means that we are doing more things right.

President Reichelt declared that Resolution No. 2012-8 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwomen Fellows to adjourn into Executive Session for Personnel Relations to appoint a Public Official and Compensation of said Official; inviting all Members of Council, the Law Director and the Mayor. The Executive Session is to follow "For the Good of the Order" with the Finance Director and City Engineer then being excused from the Regular Council Meeting.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Reichelt declared that Motion has passed for Council to adjourn into Executive Session following "For the Good of The Order" for the purpose of personnel discussion and the appointment of a public official as outlined by the Law Director previously; this would include all of Council, the Law Director and the Mayor and excusing the Finance Director and the City Engineer, with the possibility of taking action upon return.

FOR THE GOOD OF THE ORDER

Councilman Fiebig wished everyone a Happy 4th of July!

President Reichelt informed everyone that City Hall would close on July 4th in honor of the Holiday. He wished everyone a safe and happy Fourth of July!

President Reichelt also stated that the State of Ohio has determined that there is a heat advisory for our area, today and tomorrow. Everyone who is in need of assistance can call the City's Fire Department. Residents are welcomed to come into any Public Building to seek relief from the heat.

Council adjourned into Executive Session at 7:49pm.

Council reconvened at 8:00pm with all Members of Council, the Law Director and the Mayor present; no additional action was required.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN MALECEK seconded by Councilman Biro to adjourn the meeting.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Reichelt declared the Regular Council Meeting of June 28, 2012 to be adjourned at 8:01pm

APPROVED: _____
Date

David A. Reichelt
President of Council

ATTEST: _____
Victoria Ann Savage, CMC
Clerk of Council