

# City of Willoughby Hills

## Regular Council Meeting Minutes of February 25, 2010

*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.*

8:00 p.m. Meeting of Council Called to Order by President of Council Kevin D. Malecek

*Pledge of Allegiance*

Roll Call of Council

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

**Absent:** Councilman Raymond C. Somich

**Also Present:** Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Joseph G. Mirtel, City Engineer Richard Iafelice, Clerk of Council Victoria Ann Savage

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilwoman Fellows to excuse Councilman Raymond C. Somich from the Regular Council Meeting February 25, 2010.

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

President Malecek declared that Councilman Somich has been excused from the Regular Council Meeting of February 25, 2010.

**Disposition of the Journal** **Regular Council Meeting of February 11, 2010**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to approve the Regular Council Meeting Minutes of February 11, 2010.

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

President Malecek declared that the Regular Council Meeting Minutes of February 11, 2010 have been approved as submitted.

**Special Council Meeting of February 18, 2010**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to approve the Special Council Meeting Minutes of February 18, 2010.

**Roll Call: 5 AYES – with Councilman Germano abstaining** **MOTION PASSES**

President Malecek declared that the Special Council Meeting Minutes of February 18, 2010 have been approved as submitted.

### *Correspondence*

- Email: Response from President Kevin Malecek to Resident Barbara Calfee, dated February 22, 2010 re: Director of Service Department – Thank You
- Marlene Sundheimer, Director of Law/Northeast Ohio Regional Sewer District, to Tom Lobe, Law Director, dated February 11, 2010 re: Stormwater Management Program Implementation in Willoughby Hills – Copied to Members of Council
- Emails: Resident Ted Dallas to Willoughby Hills Council, dated February 23, 2010 re: Proposed Tax Increase

### *Notifications*

- Board of Building & Zoning Appeals – The Board of Building & Zoning Appeals will not meet March 9, 2010 for no appeals were received
- Civil Service Commission Meeting of February 19, 2010
- Finance Committee Meeting of February 17, 2010
- Planning and Zoning Commission and Architectural Board of Review has no pending business for February 18, 2010; there will be no meeting
- **RULES & LEGISLATIVE MEETING OF FEBRUARY 25, 2010**
- Safety Committee Meeting of February 25, 2010
- Special Council Meeting of February 18, 2010

### *Minutes*

- Recreation Commission Meeting of December 1, 2009
- Recreation Commission Meeting of January 5, 2010
- **Rules & Legislation Meeting of February 25, 2010**
- **Safety Committee Meeting of February 25, 2010**

### *On File*

- **WH SENIOR CENTER ACTIVITY PAGES FOR MARCH 2010, ISSUE NUMBER 3**
- **CITIES & VILLAGES FOR JANUARY/FEBRUARY 2010**

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

- Delivered the State of the City Address

#### City Finances:

Cited costs over the years  
Cost of employee health care  
Income Tax Collections – down 10%  
Loss of businesses – Eaton will be leaving the City  
Financial Picture – for the last two years; referenced funds 251/291/bad accounting procedures  
Outstanding bills resolved  
Results of State Audit  
Staff Reductions  
Cost and how gasoline is purchased  
Cost and how supplies are purchased  
Elimination of take home cars for police officers  
Reduced Fleet of Police Cars  
Utilizing the bidding process  
Citywide Trash and Recycling Program – reduces Heavy Trash Pickup  
Cost of City Dumpsters  
Cost of salt consumption – treating hills, curves and intersections; environmentally conscious  
Summer Camp has been eliminated  
Corn Fest will not be held this year

#### City Projects:

Route 91 and Signalization and Turning Lane – Stimulus Funded  
Route 91 and Stark Road Pump Stations – TIF

Assessment Area “C” – Partly Federally Funded

- Enterprise Zone – Citywide
- Ordinance No. 2010-7 – Increase in Income Tax; does not support this Ordinance and requested Council to reconsider taking legislative action
- WHISPER Program – A gathering was held to thanked everyone involved with the Program
- Police Department – Burglary Update/Reinforce Safety Procedures for Residents
- Republic Services – Public Forum Dates – Wednesday, February 24<sup>th</sup> and Tuesday, March 9<sup>th</sup> at 7:00 p.m. at WH Community Center – Golden Buckeye Cards that need to be faxed for Seniors to qualify for discount can be done at City Hall
- AARP offering free assistance with Federal and State Income Taxes on Tuesdays from 9:00 a.m. to Noon – Call City Hall to get appointment time
- RITA coming to City Hall one day only ( Monday, March 15<sup>th</sup> from Noon to 7:00 p.m. – No appointment necessary
- Save the Dates:
  - March 7, 14, and 21  
Upcoming Pancake Breakfasts, including Chinese Raffle and Boys Baseball and Girls Softball Signups
  - Saturday, March 6<sup>th</sup> (see City Website for details)  
Boys League Reverse Raffle
  - Saturday, March 6<sup>th</sup> (see City Website)  
South High School Reverse Raffle

**LAW DIRECTOR’S REPORT – Law Director Thomas G. Lobe, LLP**

- Status of Litigation
  - Northeast Ohio Regional Sewer District vs. 62 Municipalities, with City of Willoughby Hills being the 62<sup>nd</sup> municipality named (only two parcels within the City involved)
  - Richard Newman vs. The City of Willoughby Hills, the Recreation Department, names various Joe Does/business entities – pertains to an incident occurring on June 5<sup>th</sup> of 2009 – Lake County Case No. 10CV000427 assigned to Judge Gibson
- Update: Request for Public Records submitted to the Cuyahoga County Airport

**FINANCE DIRECTOR’S REPORT – Joseph G. Mirtel**

- Finance Department prepared the 2010 Permanent Appropriations
- Legislation for Roll-Over Notes for the City in the total amount of \$1,250,000
- Available to discuss the 2010 Permanent Appropriations with the Finance Committee

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

- Project Report – Assessment Area “C”
- Assisting residents in directing them to contractors and plumbers to determine location of laterals
- ODOT Bid Opening is March 11<sup>th</sup> for the SOM Center Widening and Signalization Project
- Bid Opening March 5<sup>th</sup> for the Maplegrove Slope Failure Project
- **At least going in, the Maplegrove Project is fully funded through the State, OPWC as well as Lake County Stormwater Management, so hopefully both of the projects will come in within budget and if they do the City will have minimal expense for both of the projects**

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

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

- **Councilman Somich was not in attendance; therefore President Malecek reported that a Finance Committee Meeting was held on Thursday, February 17<sup>th</sup> on the agenda was the discussion relating to Ordinance No. 2010-7 – an Ordinance proposing an increase in the City Income Tax Rate.**

**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.
- Requested Law Director to review the proposed Ordinance for the Residential Exterior Maintenance Code

**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.
- Noted that there was no information from the Recreation Commission to bring forth to Council

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

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

**COMMITTEE MEETING OF FEBRUARY 25, 2010**

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

**Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Law Director Thomas Lobe, Mayor Robert M. Weger**

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

**Meeting convened at 7:38 p.m.**

***Order of Business***

**Ordinance 2010-7: Municipal Income Tax Adjustment Charter Amendment**

State of the Cities – state of the finances – look at the tax issue – recommend that we hold off on it right now – one of the hardest problems – work so far in advance to get it on the ballot. All and all good thing to wait and do some of these cuts – cuts will hurt – Corn Fest is cancelled – supported by the businesses – they are hurting as well. Every place we can save a nickel – salt conservation – snow on the street – money and environment. Fiebig: putting all of the minds together – in the process of setting the budget – solutions – what is best for the City.

**Recommend to vote down at Council Meeting this Evening based on discussion and recommendation of City Administration.**

**Ordinance 2010-8: Signs Regulations**

Passed through both Planning and Zoning Commission and Committee – been in the works for months – back and forth through both the Council and the Commission – document that accurately reflects.

**Recommend forwarding to Council for Three Reading consideration and Public Hearing – on Second Reading at tonight's meeting.**

***Public Portion***

*Joyce Grady – thank you for considering not putting the tax on – appreciate sensitivity.*

*Linda Fulton – understand salt situation – do not forget the White Road bridge – lay down cinders or sand – does provide traction. Feel safer.*

**Meeting adjourned at 7:46 p.m.**

**SAFETY – David A. Reichelt, Chair**

**Committee Members: Christopher L. Biro, David M. Fiebig**

**COMMITTEE MEETING OF FEBRUARY 25, 2010**

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

**Also Present: Councilman Frank A. Germano, Law Director Thomas Lobe, Mayor Robert M. Weger, City Engineer Richard Iafelice, (beginning) Chiefs Collins and Harmon, Lt. DiMattia and Serazin, Service Dept. Foreman Catania (beginning)**

**Purpose of the Meeting was to discuss Past and Projected Staff Reductions on the Police and fire Departments; Speed Limits on side Streets and Other Safety-Related Issues and any other business.**

**Meeting convened at 4:12 p.m.**

**Order of Business**

**1. Speed limits and Speed Limit Signs on various Roadways in the City.**

Signs need to be updated as some are not currently correct. Further, signs will need to be upgraded to a new type of sign in the future (by 2012). Committee recommends that the Mayor implement the new and correct signs as soon as the budget permits.

**2. Stop Signs at various Intersections in the City.**

Existing signs at Eddy & Trabar and Somrack & Maplegrove need to be removed as they have never been legally justified as required by law. Committee recommends that, when the budget permits, the Mayor commission the required studies to determine their legality and viability.

**3. Effect of recent Staffing Cuts on the Police, Fire, and Service Departments.**

- a. The Police, Fire, and Service Departments are now operating at “bare bones” staffing levels and cannot sustain further cuts without risking dangerous conditions. Personnel cost increases have outpaced revenue over the past years, and with the current downturn in tax revenue, the situation has become critical. Future consideration must be given to this situation in order to maintain minimum acceptable service levels for the residents and general public in our City.
- b. The Police, Fire, and Service departments are getting the job done, but the current situation is not sustainable.
- c. Capital purchases are being postponed and this is also not sustainable.
- d. The City must plan for adjustments to either expenses or revenues in order to continue required operations of these critical departments.
- e. There are future inevitable expenses that have not yet been presented or budgeted and these must also be planned.

4. Recent rash of residential burglaries – Today’s press release was discussed. Information will be posted on Ch.12 and the website tonight.

**Public Portion**

**Public portion commenced at 6:09 and concluded at 6:13 with comments by:**

Robert Kowalsky, 2585 Timberline Drive – Believes City Council should be concentrating its efforts on making the City bicycle-friendly. Other comments were unintelligible.

**Meeting adjourned at 6:17 p.m.**

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

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

- The Service Committee has not met; therefore no formal report was given.
- Thanked Administration for all their efforts with respect to the City-Wide Trash Program

**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.

**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.
- Announced that the Personnel Relations Committee will want to start meeting in June with the Union Representatives for the City’s Safety Forces regarding future alternatives/negotiations

**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**

- No other Council Representative Reports were brought forth to Council.

## **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 8:44 p.m.**

**1. Robert Kowasky**

**2585 Timberline Drive**

**Re: Questioned why Vice President Reichelt and President Malecek abstained from voting for the appointment of President of Council and for the appointment of Vice-President of Council; Ordinance No. 2010-7 hopes that the Ordinance could be voted down unanimously and without any grandstanding**

**Public Portion was closed at 7:46 p.m.**

**President Malecek stated that the Unfinished Business portion of the Agenda was inadvertently omitted, and without any objections would like to call for any unfinished business from Council.**

## **UNFINISHED BUSINESS**

- Law Director Lobe clarified for the record that he tried to respond to Mr. Kowalsky's questions last week and stated that he would again be happy to respond to his questions following this evening's meeting.
- Councilman Reichelt stated for the record that he too tried to respond to Mr. Kowalsky's questions and Mr. Kowalsky declined Mr. Reichelt's answer as well.

## **LEGISLATION**

### **ORDINANCE NO. 2010-7 – THIRD READING**

**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY PROVIDING FOR AN INCREASE IN THE RATE OF THE MUNICIPAL INCOME TAX TO TWO AND ONE-QUARTER PERCENT (2.25%) AND A TAX CREDIT OF ONE HUNDRED PERCENT (100%) WITH SAID CREDIT LIMIT TO BE EQUAL TO ONE AND EIGHTY-FIVE HUNDREDTHS PERCENT (1.85%) AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to Call the Question on Ordinance No. 2010-7.**

**President Malecek stated that in accordance with what the Mayor stated before in the coming weeks, Council and Administration will continue to work together, review the 2010 Budget and continue to examine our revenue constraints that we currently have affecting the City.**

**Roll Call: 6 NAYS – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2010-8 has been rejected.**

### **ORDINANCE NO. 2010-8 – SECOND READING**

**AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE NINE – SIGNS, CHAPTER 1151 – SIGN REGULATIONS, SECTION 1151.05 – SIGNS IN NONRESIDENTIAL DISTRICTS, SECTION 1151.06 – PROHIBITED SIGNS AND CHAPTER 1103 – DEFINITIONS, SECTION 1103.02 - DEFINITIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.**

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**President Malecek declared that Ordinance No. 2010-8 would remain on Second Reading.**

## **NEW BUSINESS**

- There was no new business brought forward for the consideration of Council.

**FOR THE GOOD OF THE ORDER**

- President Malecek reminded everyone of the upcoming Pancake Breakfast to be held Sunday, March 7<sup>th</sup>
- **President Malecek announced that the Regular Council Meeting scheduled for March 11<sup>th</sup> will not be held. A Special Council Meeting will be held Thursday, March 4<sup>th</sup>.**

**ADJOURNMENT**

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

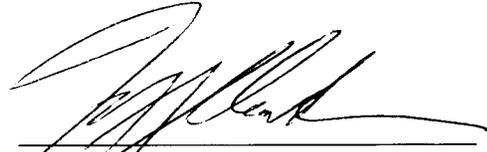
**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that this Meeting of Council is adjourned.**

Meeting adjourned at 8:51 p.m.

APPROVED: Kevin D. Malecek  
Date

  
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**Kevin D. Malecek**  
*President of Council*

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