

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of January 27, 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.*

7:00 p.m. Meeting of Council Called to Order by President Kevin D. Malecek

#### *Pledge of Allegiance*

#### Roll Call of Council

**Members Present:** President Kevin D. Malecek, Councilman Raymond C. Somich, Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano

**Absent:** Vice President David A. Reichelt, Councilwoman Nancy E. Fellows

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

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to excuse Vice President David A. Reichelt and Councilwoman Nancy E. Fellows from the Regular Council Meeting of January 27, 2011.

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

President Malecek stated that Councilwoman Nancy E. Fellows and Vice President David A. Reichelt have been excused from the Regular Council Meeting of January 27, 2011.

#### **Disposition of the Journal** Special Council Meeting of December 20, 2010

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to approve the Minutes of the Special Council Meeting of December 20, 2010 as submitted.

**Roll Call: 5 AYES**

**MOTION PASSES**

President Malecek stated that the Special Council Meeting Minutes of December 20, 2010 have been approved.

President Malecek stated that it would now be in order to elect a Vice President Pro-tem for the day.

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Fiebig to nominate Councilman Biro to serve as Vice President Pro-tem for the Regular Council Meeting of January 27, 2011. President Malecek stated the Motion made and then requested three separate times for any other nominations, seeing none, nominations were closed. If someone would like to make a motion by unanimous acclamation that we election Councilman Biro to serve as our Vice President Pro tem for the day

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to elect Councilman Biro by acclamation to the spot of Vice President for the day.

**Roll Call: 5 AYES – with Councilman Biro abstaining** **MOTION PASSES**  
**President Malecek stated that Councilman Biro has been elected to serve as Vice President for the day.**

### ***Correspondence***

- Clerk of Council to Members of Council and Mayor, dated January 13, 2011 RE: 2010 – Preprinted Financial Disclosure Statement

### ***Notifications***

- Board of Zoning Appeals will not meet February 8, 2011 (Emailed: January 25, 2011)
- Planning and Zoning Commission & Architectural Board of Review: Cancellation of January 20, 2011 Meeting (Emailed: January 17, 2011)
- Rules & Legislation Committee Meeting of January 24, 2011 (Emailed: January 21, 2011)
- Service Committee Meeting of January 24, 2011 (Emailed: January 21, 2011)
- Utilities Committee Meeting of January 24, 2011 (Emailed: January 21, 2011)

### ***Minutes***

- Rules and Legislation Committee Minutes of December 24, 2011 (Emailed: January 25, 2011)  
*President Malecek stated that the Rules and Legislation Committee Minutes were of January 24, 2011 for Council did not hold a meeting on the eve of Christmas. Council Clerk stated that she stands corrected.*

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

- Mayor Robert M. Weger wanted to present a recap of the City Departments, activity reported for the year 2010 and some activity reported for the first month of 2011:

#### **Willoughby Hills Mayor's Court**

2010 – 8,632 Cases processed though the Court	\$1,126,328.00
2009 – 6,743 Cases processed though the Court	\$ 786,381.00

(1) Full Time Clerk and a couple part time people that are shared from other departments

#### **Willoughby Hills Service Department**

Winter Season working three shifts around the clock providing spot salting to conserve salt and to minimize effects on the environment. So far this season (November 2010 till January 2011) we have used 1,387 tons of salt. When it is not snowing, night shift has been performing repairs and painting facilities and making repairs to equipment.

#### **Willoughby Hills Building Department**

Last year in 2010, issued 384 Building Permits  
13 New Houses – 8 still under construction

#### **Willoughby Hills Recreation Department**

City's Programs and the Community Center  
Rental Revenue of the Community Center is up 46% from 2009 to 2010; Due to Gloria Majeski handling the rental of the Community Center

Supports Ordinance No. 2011-4 – for the employment of up to (10) Part Time City Property Staff Members. Creating the position and establishing a compensation ordinance; individuals working for the City in this capacity have been paid under a different ordinance and the Mayor now wants to make the compensation ordinance specific to the job itself.

## **Willoughby Hills Police Department**

**As of January 21<sup>st</sup>:** A total of 772 incidents were reported  
Issued 322 Citations  
14 Minor Misdemeanors  
5 Parking Tickets  
37 Warnings

### **Mayor issued the following warning:**

Scam – Misrepresenting as Cleveland CEI/FirstEnergy Representatives – Do not hesitate to contact the Police Department

Willoughby Hills K-9 Officers stopped a car for speeding that led to the recovery of marijuana, illegal prescription drugs and drug paraphernalia. The suspects in this case cooperated and provided information on an illegal marijuana grow house in Erie, PA. WHPD Officers contacted narcotics officers from Erie, PA, with this information that led to the execution of a search warrant. The warrant resulted in multiple arrests and the seizure of large amounts of marijuana plants.

WHPD Officers responded to a request for mutual-aid by Richmond Heights PD for a suspicious vehicle. Upon arrival the Officers were confronted with a home burglary with one suspect in custody and three others on the run through the woods heading to Euclid. WHPD Officers cleared the house and gave chase after the three suspects on foot. WHPD Officers assisted Euclid PD with the arrest of the other three suspects.

A WHPD Officer driving a patrol car equipped with an Automated License Plate Reader (ALPR) – purchased with a Grant from the Sheriffs’ Department and the Cleveland Police received a positive hit on a suspect car with the owner having a felony warrant for arrest. The officer attempted to stop the car at which time the suspect jumped out of the car on foot. The officer chased the suspect, tackled him and placed him under arrest.

WHPD Detectives arrested a female suspect for passing bad checks for high dollar amounts \$900 and higher. The investigation revealed she sold her personal information to a male suspect who was using her identity to defraud several financial institutions.

## **Willoughby Hills Fire Department**

Estimates are being gathered for repair of the five front bay doors.  
Repairs – 1989 Fire Engine: Steering column, air brake leaks, wiring shorts  
1997 Fire Engine: Replaced mirrors, repaired and replaced damaged ladder racks

### **Emergency Responses:**

70 EMS – 68 patients contacted, 60 transports  
29 Fire  
14% of the emergency incidents were “Double Hits”  
Busiest times (2:pm and 5:pm)  
Nearly 30% of emergency incidents occur between 10:pm and 8:am  
Mondays have had the least amount of incidents and Saturdays have had the most

### **Significant Incidents:**

The Willoughby Hills Fire Department Technical Rescue Team assisted in the rescue of stranded skiers at Alpine ski Resort  
WHFD sent two crews to assist with the fires in Fairport Harbor. One Engine Company and one EMS crew

**Homeland Security Grant** with five other cities: Mayfield Village, Mayfield Heights, Gates Mills, Pepper Pike and Munson Twp, the Grant amount is \$101,600 total. Willoughby Hills will receive \$14,500 worth of Publication Education and fire Prevention Supplies which includes: 300 Photo Electric Smoke Detectors; 10 Knox Boxes, these are entry boxes to be lent out to residents who

frequently require our services; 1 Tough book Computer and extensive amounts of NFPA Fire Safety hand outs and DVDS

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

- No formal report was given.

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

- Happy to report that the City's 2008 and 2009 Audits were released and are available on the Auditor's Website. No news there, it was an "Unqualified Opinion". It was an excellent audit report.
- Starting next week members of the Auditor's Staff will begin working on the City's 2010 GAAP Financial Statements
- Happy to report that 2010 was closed this week. The General Fund, the fund balance increased by \$421,000; we had budgeted an increase of \$48,000
- Actual Revenues exceeded the budgeted amount by 7.6%; Expenditures were overall 2.5% below the 2009 level, if you factor out the 27<sup>th</sup> payroll that is included in the 2010 numbers, our expenditures were 5.9% below the 2009 level; those two things, not sure if he mentioned, our revenues exceeded our estimates by \$111,000
- 2010 Actual Revenue was 6.4 million; 2009 Actual Revenue was roughly 6 million dollars
- 2010 Expenditures were 6 million dollars; 2009 Actual Expenditures were roughly 6.2 million dollars
- Those are the factors that contributed to the increase and will be sending out reports by the end of the week

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

- A couple of Ordinances on this evening's agenda which were reviewed in the Service Committee and Utilities Committee
- More updates will be provided on the Capital Improvement Projects; look at and high-light the Road Program for this year 2011
- Maple Valley Development will be proceeding – 18 lot subdivision

**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.
- Commended the Finance Director for his report and for providing to Council a very thorough, comprehensive Debt Service Report
- Thanked Administration for being able to reduce expenses significantly and increase revenues in this economy and maintain the City's services

**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**

- Councilwoman Nancy E. Fellows was not present; therefore no formal report was given.

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

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

**COMMITTEE MEETING JANUARY 24, 2011**

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

**Also Present: Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich, Robert M. Weger, Mayor**

<b>Purpose of the Meeting was to discuss Pending Legislation and any other business.</b>
Meeting convened at 7:14 p.m.
<i>Order of Business</i>
<b>Ordinance 2011-1: Area C Sanitary Sewer Change Order</b> Regarding Change Orders on projects. <b>Consensus to waive Three Reading Rule and Adopt at Council on January 27<sup>th</sup>.</b>
<b>Ordinance 2011-2: Design and Construction Engineering for Eddy Road Improvements</b> Discussed in the Service Committee. <b>Consensus to waive Three Reading Rule and Adopt at Council on January 27<sup>th</sup>.</b>
<b>Ordinance 2011-3: Engineering Services for Sanitary Sewer System</b> Due to additional issues, will keep off the Agenda and will remain in the Rules and Finance Committee.
<b>Council Scheduling Matters</b>
<b>March 10<sup>th</sup> Meeting</b> – Keep as scheduled, elect Council President Pro Tempore
<b>March 24<sup>th</sup> Meeting</b> – Move to 8:00 pm
<b>June 23<sup>rd</sup> Meeting</b> – Move to Thursday, June 30 <sup>th</sup>
<i>Public Portion</i>
<i>Linda Fulton – the snowplowing – is there a certain height limitation that they go down on the road with – do they go as far as they can? Marcum and Parkview – seems like there is a lot of snow left – all of this slush – freezing.</i>
Meeting adjourned at 7:20 p.m.

**SAFETY – David A. Reichelt, Chair**

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

- Councilman David A. Reichelt was not present; therefore no formal report was given.

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

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

<b>COMMITTEE MEETING JANUARY 24, 2011</b>
<b>Members Present:</b> Councilman Christopher L. Biro, Chair, Councilwoman Nancy E. Fellows, Councilman Frank A. Germano
<b>Also Present:</b> Councilman David M. Fiebig, President Kevin D. Malecek, Councilman Raymond C. Somich, Robert M. Weger, Mayor, Law Director Thomas G. Lobe, City Engineer Richard Iafelice
<b>Purpose of the Meeting was to discuss (1) Lamplight Lane: Review Scope of Project, (2) Eddy Road from SOM to River Road: Review Scope of Project and any other business.</b>
Meeting convened at 6:02 p.m.
<i>Order of Business</i>
<b>1. Lamplight Lane:</b> Funding for Retention Basin returned because could not justify funds-benefit vs. costs. City Engineer suggests reapply for funding after scaled down project designed. <b>Consensus of Committee to support \$15,000 for engineering study to look at alternative designs for flood relief.</b>
<b>2. Eddy Road Resurfacing Improvements:</b> Discussed funding of project. \$500K cost - OPWC Funding \$250K, \$200K Road Levy monies, and \$50K work completed by Service Department.
<b>3. Capital Improvement Program:</b> Discussed 5year Comprehensive List of Public Improvement Projects within City. <b>Will require further discussions after financial review of City Funds. Engineer suggested putting money away for projects every year.</b> Also suggested within these projects to consider converting White and Bishop intersection into a “Roundabout” circle.
<i>Public Portion</i>
Public Portion was opened and with no one coming forth from the Public Sector was adjourned at 6:45p.m.

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

**Committee Members:** Nancy E. Fellows, Raymond C. Somich

<b>COMMITTEE MEETING JANUARY 24, 2011</b>
<b>Members Present:</b> Councilman Frank A. Germano, Chair, Councilwoman Nancy E. Fellows, Councilman

**Raymond C. Somich**

**Also Present:** Councilman Christopher L. Biro, President Kevin D. Malecek, Robert M. Weger, Mayor, Law Director Thomas G. Lobe, City Engineer Richard Iafelice

**Purpose of the Meeting was to discuss (1) ECTW – Area “C” Sanitary Sewer Improvements, (2) Sewer Detection Program and any other business.**

**Meeting convened at 6:45 p.m.**

***Order of Business***

The following topics were discussed:

More studies on flow of the sewer

Change Order #2 for Contract Fabrizi

Time Table for Assessment for Area “C”

Lake County Waterline Replacement Program

***Public Portion***

Public Portion was opened and with no one coming forth from the Public Sector was adjourned at 7:13p.m.

**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 a Personnel Relations Committee Meeting will be called. Public Notification to be made within the next week or so.

**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 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 7:26 p.m. and with no one coming forth from the Public Sector, was promptly closed at 7:26 p.m.**

**UNFINISHED BUSINESS**

- *Councilman Somich, Chair of the Finance Committee stated that a Finance Committee Meeting will be called when the December 2010 Financial Reports are received as well as some long-term planning and budgeting reports that we will be receiving over the next couple of weeks; so a Finance Committee Meeting will be called prior to the next Regular Council Meeting.*
- *Councilman Biro, Chair of the Service Committee wanted to correct a statement in his Service Committee Meeting Minutes, pertaining to the “round-about”; Councilman Biro thinks that he may have said White and Rockefeller. The City Engineer’s proposal is for White and Bishop.*

**LEGISLATION**

**ORDINANCE NO. 2011 – 1**

**AN ORDINANCE APPROVING CHANGE ORDER NO. 2 FOR THE EUCLID CREEK TRIBUTARY WATERSHED (ECTW) – AREA “C” SANITARY SEWER IMPROVEMENT CONTRACT 5 WITH FABRIZI TRUCKING AND PAVING COMPANY, INC. OF VALLEY CITY, OHIO AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2011-1.

**Roll Call: 5 AYES**

**MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Ordinance No. 2011-1 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to adopt Ordinance No. 2011-1.

**Roll Call: 5 AYES**

**MOTION PASSES**

**President Malecek stated that Ordinance No. 2011-1 has been adopted.**

**ORDINANCE NO. 2011 – 2**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH CT CONSULTANTS, INC. TO PROVIDE PROFESSIONAL SERVICES FOR THE DESIGN AND CONSTRUCTION ENGINEERING OF THE EDDY ROAD IMPROVEMENTS AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2011-2.

**Roll Call: 5 AYES**

**MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Ordinance No. 2011-2 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to adopt Ordinance No. 2011-2.

**Roll Call: 5 AYES**

**MOTION PASSES**

**President Malecek stated that Ordinance No. 2011-2 has been adopted.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Somich to amend the Agenda to include Ordinance No. 2011 – 4.

**Roll Call: 5 AYES**

**MOTION PASSES**

**President Malecek stated that Ordinance No. 2011-4 has been placed upon the Agenda and is the current order of business and will now have the Clerk read the caption for Ordinance No. 2011-4.**

**ORDINANCE NO. 2011-4**

**AN ORDINANCE ESTABLISHING AND FIXING THE COMPENSATION FOR THE POSITION OF PART TIME CITY PROPERTY STAFF MEMBER AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Germano to suspend the Two Day Notification for Ordinance No. 2011-4.

**Roll Call: 5 AYES**

**MOTION PASSES**

**President Malecek stated that the Two Day Notification for Ordinance No. 2011-4 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2011-4.

**Roll Call: 5 AYES**

**MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Ordinance No. 2011-4 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to adopt Ordinance No. 2011-4.

*The Mayor stated that this position is a part-time City Property Staff Member, it use to be called the City Monitor and we paid it through our Service Department. We just thought it was much cleaner to have a proper name for it; a lot of people just to open and close the Community Center and gave them the responsibility to set up for*

parties and monitor the activities at parties, renters across the street and this is just cleaning up and putting it in the right position so that we can account for it properly when we do our year-end budget so that we can say these people worked at the Community Center. The Mayor further stated that basically we hire either high school or college kids and we have about 5 or 6 of them right now because they either have classes, we run 7 days a week, so we try and split up the hours. They are only getting 5 to 10 hours a week, if that.

Roll Call: 5 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-4 has been adopted.

### NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to appoint Billie Kamis to serve as the City's trustee representative on the Chagrin River Watershed Partners.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that the motion has been adopted and the Honorable Billie Kamis has been appointed to serve as the City's trustee representative on the Chagrin River Watershed Partners.

### FOR THE GOOD OF THE ORDER

- Councilman Somich announced the following "Presidential" Events:
  - (1) James A. Garfield National Historic Site: Celebrating President Garfield and his wife, Lucreca Garfield. Characters will be dressed as the President and the First Lady. February 1<sup>st</sup> at 7:00 p.m. Free Admission.
  - (2) February 12<sup>th</sup> they will be celebrating the presidency of Abraham Lincoln and his Birthday as well as the commemoration of the 150<sup>th</sup> year the Civil War has been enacted. All day celebration, a special free admission from Noon until 2:00 p.m. For more information call 255-8722.
- President Malecek announced that the Lake County Historical Society is having their Fund Raiser Ball here in Willoughby Hills at La Vera Party Center. It is going to be a re-enactment of the Mounds Robbery that happened back in the 1940's and that will be on February 19<sup>th</sup>.
- Councilman Fiebig announced the annual WEAGT Auction is February 26<sup>th</sup> at the Patrician Party Center and that aids the development of gifted and talented population of the Willoughby-Eastlake Schools. The annual event is now in its 33<sup>rd</sup> year. More information can be found at WEAGT.org
- Councilman Fiebig announced the Willoughby South High Band Boosters will be hosting their annual event at the Normandy on March 5<sup>th</sup>.
- Councilman Fiebig wanted to take a moment to express the loss of a good friend, on January 19<sup>th</sup> Ralph Orcek passed away unexpectedly; he was a Willoughby Hills Boys League Coach. He coached Councilman Fiebig's son for a couple of seasons. He was just a great guy.

### ADJOURNMENT

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

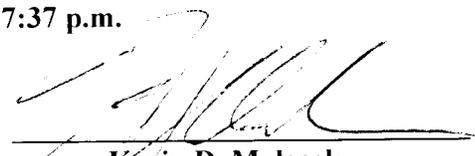
Roll Call: 5 AYES – unanimous

MOTION PASSES

President Malecek declared that this Meeting of Council is adjourned at 7:37 p.m.

APPROVED:

  
Date

  
Kevin D. Malecek  
President of Council

ATTEST:

  
Victoria Ann Savage, CMC  
Clerk of Council