

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of May 27, 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.*

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, Vice President David A. Reichelt, Councilman Raymond C. Somich, Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano

**Absent:** Councilwoman Nancy E. Fellows

**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 REICHEL**, seconded by Councilman Somich to excuse Councilwoman Nancy E. Fellows from the Regular Council Meeting of May 27, 2010.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

President Malecek stated that Councilwoman Nancy E. Fellows has been excused from this evening's meeting.

#### PRESENTATION

A Resolution of appreciation to Almino Taddeo for 34 years of dedicated service to the City of Willoughby Hills and to the community of Lake County.

#### PRESENTATION

A Resolution of appreciation to Gwen Thomas for 30 years of dedicated service to the City of Willoughby Hills.

#### PRESENTATION

A Resolution commending the Willoughby South High School Academic Decathlon Team on their performance at the US National Academic Decathlon.

#### **Disposition of the Journal Regular Council Meeting of May 13, 2010**

President Malecek stated that the Minutes of the Regular Council Meeting of May 13, 2010 will be addressed at next Regular Council Meeting.

#### **Correspondence**

- Debbie Doles to Mayor Weger, Council Members, Clerk of Council, Law Director, dated May 19, 2010 re: Lion's Room Tax Exemption (Emailed: May 19, 2010)
- Diana McCann, Building Department Clerk, dated May 24, 2010 re: Sheriffs Sales in the City of Willoughby Hills (Emailed: May 25, 2010)

- **RICHARD IAFELICE TO THE LAKE COUNTY GENERAL HEALTH DISTRICT, DATED MAY 24, 2010 RE; SANITARY SEWER IMPROVEMENTS/NOTIFICATION OF SERVICE – WILLOW LANE SEWER DISTRICT (EMAILED: MAY 27, 2010)**

#### **Notifications**

- Finance Committee Meeting of May 27, 2010 (Emailed: May 19, 2010)
- Planning & Zoning Commission and Architectural Board of Review Meeting of May 20, 2010 (Emailed: May 17, 2010)
- Planning & Zoning Committee Meeting of May 27, 2010 (Emailed: May 20, 2010)
- Rules & Legislation Committee Meeting of May 24, 2010 (Emailed: May 20, 2010)

#### **Minutes**

- **Finance Committee Meeting of May 27, 2010**
- Planning & Zoning Commission and Architectural Board of Review Meeting of April 15, 2010 (Emailed: May 17, 2010)
- **Planning and Zoning Committee Meeting of May 27, 2010**
- **Rules and Legislation Committee Meeting of May 24, 2010 (Emailed: May 25, 2010)**

#### **On File**

- Willoughby Hills Senior Center Activity Pages for June 2010, Issue Number 6

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

- Exterior Maintenance Code – being reviewed for houses with tall grass, etc.
- Review of acceptable items for City Hall Brush Pile and Recycle Bins
- LaTourette Conference Washington D.C. to meet with FAA Representatives
- Congratulations to all Graduates
- Thank You to all Veterans and Military Personnel
- Save the Dates:
  - **Monday, May 31<sup>st</sup>**  
Memorial Day Ceremony being held at Veteran's Memorial at 11:00 a.m.
  - **Saturday, June 5<sup>th</sup>**  
Shred Day in Willoughby Hills from 9:00 a.m. to Noon – 3 boxes per resident permitted
  - **Wednesday, June 16<sup>th</sup>**  
United Way – Day of Caring: (2) projects within the City – Painting a House and Constructing a Shed for two senior citizens
  - **Sunday, June 20<sup>th</sup>**  
Captain's Game Day – Willoughby Hills Day – Tickets only \$5.00
  - **Week of July 19 – 23**  
Safety Town
  - **August 21<sup>st</sup>**  
Touch-A-Truck from 10:00 a.m. to 2:00 p.m.
- Maple Grove Slope Failure  
Road Closed: Maple Grove Road – East of Parsons closed June 2<sup>nd</sup> to July 30<sup>th</sup>

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

- Dialogue with Assistant Prosecuting Attorney of Cuyahoga County with respect to the ability to move Bishop Road/Richmond Road as it pertains to Case Law, Blue Ash
- Supports the passage of the Property Maintenance Code – Compliance

#### **FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel**

- Financial Reports for the Months of March and April 2010, consisting of: Purchase Orders, Cash Reconciliation, Fund Change Analysis, Bank Report, Fund Reports (MTD and YTD), Current Expense Report and Revenue Report were distributed to Council and discussed at the Finance Committee just prior to the Regular Council Meeting of Council held this evening

- Acknowledged the Mayor and Law Director for their assistance in rectifying the City's Tax Exempt Status of the Lion's Club Room located in the Community Center

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

- Ongoing discussion with Ohio EMA – County is in receipt of Grant; Compliance Benefit Cost Analysis
- Lake County Engineer's Office donating Inspection Services
- Independent Test Lab for Soil
- Report #7 – Documenting incurred costs for Assessment Area "C"; Full Report to be given to Council – 50% of costs/half way through with Project
- Cricket and Lynn – Ditches have been closed – Incurring costs for inland basins
- Cricket Lane – Good; Willow and Lynn are a disaster as well as White Road

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

**Committee Members:**

**Nancy E. Fellows, David M. Fiebig**

**COMMITTEE MEETING MAY 27, 2010**

**Members Present: Raymond C. Somich, Chair, Councilman David M. Fiebig**

**Also Present: Councilman Christopher L. Biro, Councilman Frank A. Germano, Councilman David A. Reichelt, Mayor Robert M. Weger, Finance Director Joseph G. Mirtel, Police Chief Collins**

**Purpose of the Meeting was to discuss City Finances and any other business.**

**Meeting convened at 6:07 p.m.**

***Order of Business***

- Discussed the Financial Reports for the Month of March and the Month of April 2010
- The City is continuing to reconcile on a monthly basis all the checking accounts, cash balances are balancing to zero every month; the City's Tax reconciliation is being done properly
- Questions were asked pertaining to some particular balances and were assured that all of the appropriations are being reported although there are some negative balances relative to some timing issues with revenues that are being received and everything is being expensed through the appropriate budgets

**It was the consensus of the Committee to accept the Financial Reports for the Month of March and the Month of April 2010**

- Committee spent time discussing five year projections for the budgets as prepared by Finance Director; shows that 2010 will be a breakeven year based on all of the expense cuts that have been made; definite deficits beginning 2011 right on through the 5 year period, this is without any staffing increases but there are some other improvements that we feel need to be made; there are some safety issues, Police Cars, etc.
- Operating Expenses continue to raise in spite of trying to hold the costs down on everything and we do need to find new streams of revenue; expecting a minimum of a 20% increase in the cost of Health Insurance
- Police Chief Collins was able to share some good information relative to his staffing and the fact that they are already at a limited number now based on number of nutrition; they similarly to the Fire Department at lowest levels; City has not purchased any cars all this year for the Car Replacement Program – minimum of eighteen months/twenty-four months before the City can get any new cars
- Mayor pointed out that it costs to maintain higher mileage cars
- Councilman Reichelt wanted to point out that on behalf of the Safety Committee the City is operating approximately at 2005 costs and that is in spite of some sufficient increases in some benefit packages – serious reduction in staffing – while it has not shown itself in reduction of City Services there is concern especially in the area of investigated work
- Councilman Reichelt, Chair of the Safety Committee, wanted the Finance Committee Minutes to reflect that it is the Safety Committee's observation that the current operating conditions for the Police and Fire Department are not sustainable in their present form. It is reaching a point where it is starting to risk us jeopardizing the safety of our public and our safety forces
- Chair Somich added that there was a recommendation from the Safety Committee and Councilman Biro to pursue a Tax Increase – this option would be further discussed in the Finance Committee.

***Public Portion***

**Public portion commenced with Mr. Cihula, Ms. Fulton and Mr. Kowalsky came forth with comments**

Meeting adjourned at 6:57 p.m.

**PLANNING & ZONING – David M. Fiebig, Chair**

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

**COMMITTEE MEETING MAY 27, 2010**

**Members Present: Councilman David M. Fiebig, Chair, Councilman Frank A. Germano, Councilman David A. Reichelt**

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

**Purpose of the Meeting was to discuss Exterior Maintenance Code – Residential and any other business.**

**Meeting convened at 5:35 p.m.**

***Order of Business***

Discussed **Ordinance No. 2010-22 –Exterior Property Maintenance Code.** After a summary given by the Chair as far as the history and the various processes that we have gone through to create the Ordinance. There was comment from others on the Committee being Mr. Reichelt, Mr. Germano, who are on the Planning and Zoning Committee and we were also joined by Councilman Biro, Councilman Somich and the Mayor. All of them unanimously agreed that this Code was long time in coming and expressed positive support. The Majority of the Committee urged passage of the Ordinance at this evening’s Council Meeting. After hearing from the Law Director as to the appropriateness of the passage of an Exterior Property Maintenance Code, Chair Fiebig recommends that it be placed on this evening’s Agenda.

***Public Portion***

Public portion was opened at 5:54 p.m.; four people spoke

**Meeting adjourned at 6:06 p.m.**

**RECREATION – Nancy E. Fellows, Chair**

**Committee Members: Christopher L. Biro, David A. Reichelt**

- Councilwoman Fellows was absent and therefore no formal report was given

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

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

**COMMITTEE MEETING MAY 24, 2010**

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

**Also Present: Mayor Robert M. Weger**

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

**Meeting convened at 6:15 p.m.**

***Order of Business***

**Ordinance 2010-20: Accepting bid for Limestone from Osborne Companies**

Lowest bid – **Recommendation to Waive Third Reading and Adopt.**

**Ordinance 2010-21: Accepting bid for Asphalt for Osborne Companies**

Lowest bid – **Recommendation to Waive Third Reading and Adopt.**

**Ordinance 2010-22: Exterior Maintenance Hearing**

Planning and Zoning on Thursday – will have their first consideration of it. PZ Commission has expressed interest in hearing about it as well.

Fund Transfers spoken about at the last meeting will be done on a Quarterly Basis.

***Public Portion***

No one came forth.

**Meeting adjourned at 6:24 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 has not met; therefore no formal report was given.

**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.

**WORKING COMMITTEE OF COUNCIL – Kevin D. Malecek, President of Council**

- The Working Committee of Council has not met; therefore no formal report was given.
- Announced that there will be a Working Committee of Council Meeting with the FAA Representatives in Washington, D.C. on Friday, June 11<sup>th</sup> at a time and place to be determined.

**OTHER COUNCIL REPRESENTATIVE REPORTS**

- There were no other reports given.

**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 opened at 7:41 p.m.**

1. Robert Kowalsky  
2585 Timberline Drive

Re: Flight Options got some airplanes; Working Committee of Council having an open meeting – a real meeting in Washington is really Ohio legal with the Sunshine Laws

**Public Portion closed at 7:43 p.m.**

**UNFINISHED BUSINESS**

- There was no unfinished business brought forth.

**LEGISLATION**

**ORDINANCE NO. 2010-20**

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**AN ORDINANCE ACCEPTING THE BID OF OSBORNE CONCRETE AND STONE FOR THE PURCHASE OF LIMESTONE FOR THE YEAR 2010 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 Ordinance No. 2010-20.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2010-20 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Reichelt to adopt Ordinance No. 2010-20.

Councilman Germano stated that the pricing that the City is receiving is very good pricing and should help the City out with its financials within the course of the year.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2010-20 has been adopted.

**ORDINANCE NO. 2010-21**

**AN ORDINANCE ACCEPTING THE BID OF OSBORNE CONCRETE AND STONE FOR THE PURCHASE OF ASPHALT FOR THE YEAR 2010 AND DECLARING AN EMERGENCY.**

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2010-21.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2010-21 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to adopt Ordinance No. 2010-21.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2010-21 has been adopted.

**ORDINANCE NO. 2010-22**

**AN ORDINANCE ENACTING AN EXTERIOR PROPERTY MAINTENANCE CODE FOR THE RESIDENTIAL DISTRICTS WITHIN THE CITY OF WILLOUGHBY HILLS.**

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2010-22.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2010-22 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to adopt Ordinance No. 2010-22.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2010-22 has been adopted.

**ORDINANCE NO. 2010-23**

**AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 921 – CENTRAL SANITARY SEWERS, SECTION 921.01 – RULES FOR HOUSE SERVICE CONNECTIONS, SUB-SECTIONS (m), (n), and (o); REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

President Malecek declared that Ordinance No. 2010-23 will remain on First Reading.

**NEW BUSINESS**

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to move into Executive Session to discuss Personnel Matters at the conclusion of the *For the Good of the Order*, excusing Departments Heads namely the Law Director, Finance Director and the City Engineer.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared that Council will adjourn into an Executive Session following *For the Good of the Order* to discuss Personnel Matters, inviting the Members of Council and the Mayor. The Law Director, the Finance Director and the City Engineer will be excused at such time.

