

City of Willoughby Hills

Regular Council Meeting

Minutes of December 9, 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: Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, President Kevin D. Malecek, Vice-President David A. Reichelt, Councilman Raymond C. Somich, Councilman Christopher L. Biro

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

Disposition of the Journal Regular Council Meeting of November 11, 2010

President Malecek stated that the Regular Council Meeting Minutes of November 11, 2010 have been prepared; however, were not distributed to Council prior to this evening's meeting and therefore will not be addressed this evening.

Correspondence

- **Email:** To Mayor, Council President, Members of City Council and Safety Director, dated November 15, 2010 re: Outstanding Safety Department (**Emailed:** November 15, 2010)
- Clerk of Council to Robert M. Weger, Service/Safety Director, dated November 23, 2010 re: Ohio Division of Liquor Control – C TRFO 6517242-0625
- City of Strongsville to Clerks of Council of all NEORS Member Communities, dated November 23, 2010 re: Resolution Calling for a One Year Moratorium by the Northeast Ohio Regional Sewer District on Sewer Rate Increases
- Clerk of Council to Robert M. Weger, Service/Safety Director, dated November 30, 2010 re: Ohio Division of Liquor Control – C N 9073995-0590
- Clerk of the Building Department to Administration and Members of Council, dated November 30, 2010 re: Sheriffs Sales in the City of Willoughby Hills (**Emailed:** November 30, 2010)
- Mayor's Monthly Statement to Council for November 2010 (**Emailed:** December 2, 2010)
- City Engineer's Status Report and ECTW-C Update for December 2010 (**Emailed:** December 6, 2010)
- **FINANCIAL REPORTS:** CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING NOVEMBER 2010 (**Emailed:** December 6, 2010)

Notifications

- Board of Building and Zoning Appeals Meeting Cancellation (Emailed: November 29, 2010)
- Finance Committee Meeting of November 23, 2010 (Emailed: November 16, 2010)
- Planning and Zoning Commission & Architectural Board of Review Meeting of November 18, 2010 (Emailed: November 15, 2010)
- Planning and Zoning Commission & Architectural Board of Review Meeting of December 2, 2010 (Emailed: November 30, 2010)
- Planning & Zoning Committee Meeting of December 9, 2010 (Emailed: November 24, 2010)
- Recreation Commission Meeting of December 7, 2010 (Emailed: December 6, 2010)
- Recreation Committee Meeting of December 13, 2010 (Emailed: December 6, 2010)
- Rules & Legislation Committee Meeting of November 23, 2010 (Emailed: November 19, 2010)
- Rules & Legislation Committee Meeting of December 6, 2010 (Emailed: November 24, 2010)
- Safety Committee Meeting of December 6, 2010 (Emailed: November 24, 2010)

Minutes

- Planning and Zoning Commission & Architectural Board of Review Meeting of October 21, 2010 (Emailed: December 1, 2010)
- Planning and Zoning Commission & Architectural Board of Review Meeting of November 4, 2010 (Emailed: December 2, 2010)
- Recreation Commission Meeting of October 5, 2010 (Emailed: November 16, 2010)
- **Rules and Legislation Committee Meeting of November 23, 2010 (Emailed: November 24, 2010)**
- **Rules and Legislation Committee Meeting of December 6, 2010 (Emailed: December 7, 2010)**
- Service Committee Meeting of November 11, 2010 (Emailed: November 15, 2010)
- **PLANNING AND ZONING COMMITTEE MEETING OF NOVEMBER 11, 2010 (Emailed: December 9, 2010)**
- **PLANNING AND ZONING COMMITTEE MEETING OF DECEMBER 9, 2010**
- **FINANCE COMMITTEE MEETING OF NOVEMBER 23, 2010**
- **SAFETY COMMITTEE MEETING OF DECEMBER 6, 2010**
- **PERSONNEL RELATIONS COMMITTEE MEETING OF NOVEMBER 19, 2010**
- **PERSONNEL RELATIONS COMMITTEE MEETING OF NOVEMBER 23, 2010**

On File

- The Housing Research & Advocacy Center Request for Donation

MAYOR'S REPORT – Robert M. Weger

- Issued warning to residents to beware of anyone soliciting on behalf of the City's Police and Fire Forces – the City's Safety Forces do not solicit
- Snow Plows are out – please be patient and take extra care driving
- Fire Department is back up to a staffing level of 6 which allows the City to function much better with Squad and Ambulance runs
- The City's Detective Bureau has been re-instated and is back to a staff of 2
- Christmas Card Lane is now open
- Finance Director Joseph G. Mirtel is retiring – thanked Finance Director for his service
- Thanked 5/3 Bank Employees for supporting the Christmas Card Lane Ceremony held December 1st
- WH Cleveland Clinic for the administration of Flu Shots
- Matthew McClendon of Eagle Scout Troop 562 constructed benches at Campbell Park for his Eagle Scout Project
- Events:
 - Breakfast with Santa – Saturday, December 11th – from 8:00 a.m. to 12:00 Noon – Event is sold out
 - City Music Concert to be held at the United Methodist Church located on Public Square in Willoughby on Saturday, December 11th at 7:30 p.m.

- Supports passage of Ordinance No. 2010-38, Ordinance No. 2010-40, Ordinance No. 2010-41, Ordinance No. 2010-42

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

- No formal report was given; no formal litigation filed

FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel

- Financial Reports consisting of Cash Reconciliation, Purchase Orders and Fund Balance Change Analysis for the Month Ending November 2010 have been distributed to Council
- Support passage of Ordinance No. 2010-41

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

- Referenced Status Report for December 2010
- Update provided for Project on SOM – Punch List Items – Timing of Signal I-90 Ramp
- Reconciliation of Sewer Fund – Annual Review; working with Finance Department
- Utilities Committee Meeting should be called in January, 2011
- Service Committee Meeting should be called in January, 2011

FINANCE – Raymond C. Somich, Chair

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

COMMITTEE MEETING NOVEMBER 23, 2010

**Members Present: Raymond C. Somich, Chair, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig
Also Present: President Kevin D. Malecek, Councilman David A. Reichelt, Mayor Robert M. Weger, Finance Director Joseph G. Mirtel**

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

Meeting convened at 6:16 p.m.

Order of Business

1. Financial Reports for October and September – Questions and Concerns:

- (a) Questioned several Vendors for outside expenses, many relating to Sewer Work/Services
- (b) During Dispatch Center Construction, some changes have not yet been completed for offices for some Police Department Personnel
- (c) A new Report was requested for total costs of Dispatch Center and other remodeling. Much of this labor was performed on a volunteer basis, and by city employees
- (d) More Descriptions requested for Invoices paid on Standard Reports, as well as the Budget Fund where Appropriations were applied

2. Safety Forces Fund Special Revenue Account will be set up for appropriations for Fire/EMS, Police, and Dispatch

We will discuss usage of **new Income Tax Revenues and prior Budgets from General Funds**

Regular Council Meeting of December 9th - will pass **Ordinance for New Income Tax Fund**

Regular Council Meeting of December 23rd – will pass **Temporary Budget or by December 31st**

3. Update – Negotiations with Unions now in progress. We will have Executive Sessions during Finance/Personnel Relations Committee prior to a vote of Council on Negotiations/Contracts.

Public Portion opened at 7:22 p.m.

Frank Cihula – comments regarding application of Funds

Robert Kowalsky – comments regarding definition of Safety Forces , etc.

Meeting adjourned at 7:30 p.m.

- Announced that a Finance Committee Meeting will be called for December 20th

PLANNING & ZONING – David M. Fiebig, Chair

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

COMMITTEE MEETING DECEMBER 9, 2010

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

Also Present: Councilwoman Nancy E. Fellows

Purpose of the Meeting was to discuss Proposed 2010 Master Plan for Comprehensive Land Use and any other business.

Meeting convened at 6:16 p.m.

Order of Business

Discussion regarding 2010 Master Plan; Chair Fiebig reported that he had done some editing and will post the document so that there will be one working document that everyone can access.

Councilman Germano had questions and brought up some good discussion about Garfield and Alternative Energy.

Councilman Reichelt reminded the Committee to continue to work on the document so that it is a good professional document that the City will be proud to profess as the Willoughby Hills Official Document.

President Malecek offered that the Committee should not rush through it and to take time to make sure that it is complete

Public Portion opened at 6:46 p.m.

Frank Cihula came forth with questions/commentary

Meeting adjourned at 6:51 p.m.

RECREATION – Nancy E. Fellows, Chair

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

- Councilwoman Fellows reported that the Recreation Commission met on Tuesday evening. The Commission has requested that a profit of \$2,826.85 from the Craft Fair be transferred to the 460 Fund. The Appropriations Ordinance should be presented to Council on December 23, 2010.
- Concerning the City's Corn Fest, a LLC which is a Limited Liability Company has been applied for by the Law Director and is to be called the Willoughby Hills Corn Fest. The purpose of the Company is to create a Committee with volunteers to solicit businesses and corporations for Corn Fest Sponsorship; additionally the intent is to defer from using taxpayers' dollars to subsidize this event. With the LLC a separate bank account will be created
- If the City does not hold the Corn Fest this Fall, the City will be required to pay \$4,500.00 for Fireworks Display
- Recreation Commission also recommended to the Mayor that a \$1,000.00 donation be made to Cleveland City Music
- Elaine Klein was invited to present to the Recreation Commission a proposal introducing new programs to the City such as Majorette, Cheerleading, Modern Dance and Jazzercise along with Nature Walks and Studies for Children, Educational Arts and Crafts for Children and Field Trips. It was not determined what type of salary this individual was looking for, what type of resources would be required to do these programs or even what programs would be concerned at this point and time. Ms. Klein does these types of programs for other Cities.
- Announced that the Recreation Committee will be meeting on Monday, December 13th at 7:00 p.m. to discuss Community Center Rental Fees, Community Center Facilitator Fees and any other pertinent topics.

RULES & LEGISLATION – Kevin D. Malecek, Chair

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

COMMITTEE MEETING NOVEMBER 23, 2010

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

Also Present: Councilman David M. Fiebig, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich, Mayor Robert M. Weger

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

Meeting convened at 7:30 p.m.

Order of Business

Ordinance 2010-38: Municipal Income Tax Enactment/Revisions – as per vote of population.

No additional amendments to the Ordinance will be made – ready to go with Second Reading at meeting on December 9th – consideration for passing. **Consensus to adopt.**

Ordinance 2010-39: Master Plan Adoption

In Planning and Zoning Committee – they will eventually report out – most likely before the end of the year. At the Rules Meeting on December 6th we will review an Ordinance to spell out the Safety Forces Fund that will be created through the recent passage of the Income Tax Adjustment and also the restructuring of the Finance Department.

Public Portion

Fulton - When does Road Levy money go on? Is that portion of White Road before the Golf Course to Bishop Road – will that be part of the Road Levy Fund? Road Program – would discuss as part of the Service Committee agenda. File for Issue 1 money from Eddy to River – get a loan for it. Funds – spend on by Service Committee. *Kowalsky* – we can never win without a plan – you are losing the only guy that – whatever the comment is.

Meeting adjourned at 7:42 p.m.

COMMITTEE MEETING DECEMBER 6, 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, Councilwoman Nancy E. Fellows, Mayor Robert M. Weger

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

Meeting convened at 5:48 p.m.

Order of Business

Ordinance 2010-38: Municipal Income Tax Enactment/Revisions – as per vote of population.

Consensus to Adopt – per the November 23, 2010 Rules Meeting

Ordinance 2010-39: Master Plan Adoption

In Planning and Zoning Committee – they will eventually report out – most likely before the end of the year – same status from November 23, 2010 Rules Meeting. *President Malecek verbally reported that this Ordinance is still being reviewed by the Planning & Zoning Committee and will probably stay in Committee beyond the end of 2010; said legislation will expire at the end of the year and will be re-introduced as a new piece of legislation in 2011.*

Ordinance 2010-40: Licensing and Hours for Amusement Devices/Game Rooms

Two changes in the Ordinance – Hours in the Ordinance – they go with any B-2 Business – open until 2:30am – the other change it was a \$5,000 fee every July originally – the new Amendment would place their zoning permit to open the business – good for a 12 month period – just a 12 month period. If other agency deems these things illegal, we shut them down. Non-refundable License Fee. *Somich* – question for the Mayor – second opening? A second one has opened at Spectators – Party room did not go over very well – did open an internet café – front corner of the building. Thirty (30) machines – Third one going into the old Great Lakes Bank – computers involved – regulated by Lake County Building Commissioner. *Somich* – any other applications? *Mayor* – any other applications – old Friendly’s Restaurant – other options of places. *Fellows* – now goes in line with other B-2 Businesses. *Mayor* – the Wright Place, Firehouse, Becky’s Bistro. *Fellows* – done homework correctly – asking if they have hours until 2:30am seven days a week – choose not to. *Fellows* – up to this date – 2010-30 – have establishment closed at midnight. If the establishment open beyond midnight – passed this Ordinance in August – now December – never followed legislation. Don’t follow legislation for hours of operation, why do we pass these if we don’t follow them? *Weger* – if you want me to close it down tonight – is Council consider the change in this. Have we asked the residents? The people on Emerald Lakes – asked me to put a line down the road – traffic control – no complaints, no police reports at this establishments. The Cyber Playground does not have alcohol – can take that in there. That is a liquor control issue – something we don’t enforce. Back when we decided to do

this. Fellows – concerned about having places going in 2:30am. The third one will not be the last one. Weger – would you rather have an empty storefront? Fellows – No, this is something that should be in the Safety Committee to discuss? These establishments should be in certain areas. Sam’s Club/Staples – are certain business establishments not to have certain establishments around their businesses. Right now, we have a License Fee of \$5,000 – increase the fee. Increase Mechanical Fee – the reason we are doing this is for revenue. Going to charge a license – 81 now, 20 more. What is probably for this to go to 24 hours? Fellows – they didn’t come in front of Council – this has been driven now. It’s our ordinance – I have my first complaint.

Somich – I get complaints about everything – residents are quick to tell about whatever problem. Neighbors that don’t have grass cut – never had a complaint about this operation. Tony’s Pizza – no parking spots – it’s hurting me because there is no parking. Only complaint I’ve heard. If you want to go door-to-door in the neighborhood – I personally feel the residents are not afraid to tell if there is a concern. Concern is parking – crime, violence, rowdiness – no incidents whatsoever. Fellows – don’t even know this exists – probably oblivious to the fact that they are in the City. Biro – if we pass this ordinance goes into effect immediately? Weger – if you vote for it. Fellows – what about the revenue. It was ten to midnight – now 9am-2:30am. If there are problems it can be changed – is Spectators the same fees? Can we separate out a time permit? Raising fees does set a boundary. Weger – supports all the local businesses down there – get that kind of volume – can get their lunch and their dinner. Fellows – there were 2/3 of them and almost all were African-American. Fiebig – Spectators – Spectators Lucky Shore internet café – Council was that they were going to be separate businesses – some other issues too. Somich – do increase the monthly fee – proportionally. Not unfair to newer one coming in – all take equal advantage of it.

Amendment to Increase to \$50 a Machine in Fees. Ordinance to change the time (Germano) – pass this and see what happens – time goes on, raise the rate. It makes sense. Fiebig – don’t typically hear a Police Report – if there are any calls, let us with know with Council.

Consensus achieved with the amendment included.

Ordinance 2010-41: Creating Special Revenue Fund for Safety Forces – as per vote of the population

Parameters for expenditures. Fellows – understand that this does not require to be setup with the State – Auditor said it is not required, but could be prudent. Specifically marketed on – other funds that we have at least 13 – approval of said Fund – the application in the said Fund – anticipated expenditures would be. Why the Auditor of State? Is not required – he has recommended. Not delineated specifically. Fiebig – if we get into the language of Section B – might as well not setup a Special Revenue Fund – everything and anything not be purchased. That includes plowing. Somich – those things were important – but did not include that. Fiebig - Police, Dispatch, and Fire – Safety Forces are going to get hampered. Not specifically Safety Forces – made a definition of Safety Forces. Idea behind this push – providing Safety Forces to the residents – Personnel – in the Police and Fire – Capital Equipment – areas we need the most help in –define this for future Administrations or Councils.

Adding the amendment “excluding the Building Department” at the end of 135.35 Section B.

Adding the amendment “Section E – Make a recommendation – monthly reports of revenue from RITA – “monthly reports of revenue (from RITA) and expenses including salaries and wages, benefits, supplies, services, capital equipment, debt service, and any other expenditures deemed necessary for the operation of the Safety Forces will be provided to City Council members.”

Amendment to 135.35 Section (b) – reword to “Revenue credited to the Safety Special Revenue Fund shall be expended to finance the activities of the City’s Safety Forces limited to salaries and wages, benefits, supplies, services, capital equipment, and debt service....For purposes.....”

Consensus to adopt at Regular Council meeting Thursday with three amendments.

Ordinance 2010-42: Salary and Compensation for Part-Time Finance Director

Title should include Part-Time in Finance Director in Caption and otherwise. 25 hours per week. Saves us \$58,000 a year in that one Department – similar to Kirtland’s work. We have the right person to do this on Staff today – auditor position would be eliminated. Saving hundreds of hours and year and benefit payments. Reduction in the pay and the hours – can be done – done with the audit – back from the State – yearly audit for next couple of years – more than 0.5 million from Federal Government – back to 2 year plan. Can eliminate Auditor Position. Replaces Full-Time Ordinance

- 2008 and other. This replaces both positions. Fellows - hourly rate - historically, we've really not set them back - kept them pretty high - don't start at top dollar - where is the rate in comparison to current Director. Hourly rate is about 25% less - rate is actually 25% less and the hours are less. Somich - wages for everyone with union negotiation - two people Assistant and Asst. Finance Director - anticipation hourly wages will not change. What Council does with police negotiations and otherwise.

Consensus to Waive and Adopt on Thursday with inserts of Part-Time Finance Director as appropriate.

Public Portion

Robert Kowalsky - well here we are - first things first - just enabled these legislation to them to come them - like they won't change the law and allow them to come here - had a good choice - good for business - could have mortariumed them - they might wipe them out in a year - people are going to be happy about 2:30pm have no will to do it - now we are going to do like Mr. Somich says - incremental them along - turning your back on these people. When we get to 38 - the police and the fire - establishing safety services - you begged it off this way - you might not be able to get there in time. Now discussing what you are not going to pay for. Will the seven be there in January? Meaning the people - hey you didn't do this. I enjoy seeing an SUV cutting grass on 91. You can see you truck for this - and you know this is really sweet. This isn't working guys - you begged it off and you have to come across. Only enough to bring the people back. Seven there and police you need - mixing up the soup. You guys turned down his amendment.

Meeting adjourned at 6:55 p.m.

SAFETY - David A. Reichelt, Chair

Committee Members:

Christopher L. Biro, David M. Fiebig

COMMITTEE MEETING DECEMBER 6, 2010

Members Present: Councilman David A. Reichelt , Chair, Councilman Christopher Biro, Councilman David M. Fiebig

Also Present: Councilwoman Nancy E. Fellows, Councilman Frank A. Germano, Mayor Robert M. Weger, Police Chief Christopher Collins, Fire Chief Richard Harmon

Purpose of the Meeting was to discuss Current and Projected Status of the City's Safety Forces and any other business.

Meeting convened at 5:10 p.m.

Order of Business

Condolences to Families of Fire Victim:

The city extends its condolences to the Piccirillo family for their loss associated with a house fire at 2630 River Road on Thursday, December 2nd which claimed the life of John Piccirillo. Chief Harmon noted that all of our safety forces did a commendable job handling the situation despite the harsh conditions.

Police and Fire Department Staffing:

The Chiefs reported that staffing levels are being restored to safer levels as a result of the passage of the City Income Tax increase approved by the voters on November 2nd. Further adjustments to the staffing will be made to maximize efficiency and safety for the residents, as well as for department personnel.

Civil Service Test:

The Mayor announced that a Civil Service Test will be held in the near future to develop a list of suitable candidates for the Police Department, as required. This could lead to the hiring of a Police Officer to replace one that recently retired.

Vehicle Purchase Program:

The planned purchase of police and fire vehicles that had been postponed due to budgetary constraints; should be resumed in the future. The Chiefs will be reviewing their vehicle update plans and will present same to us in the future. Grant monies are being pursued to assist in the financing for this Program.

The Posting of House Numbers:

The Chiefs both favor legislation that would require the proper display of house numbers to assist safety personnel in locating houses in emergencies. This will be addressed by the Committee in future meetings.

Public Portion opened at 5:41 p.m.

Frank Cihula -Robert Kowalsky came forth with questions/commentary

Meeting adjourned at 5:47 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.
- Announced that a Service Committee Meeting will be called after the first of the year per City Engineer's request.

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.
- Announced that a Utilities Committee Meeting will be called after the first of the year per City Engineer's request.

PERSONNEL RELATIONS – Christopher L. Biro, Chair

Committee Members: Raymond C. Somich, Mayor Robert M. Weger

- The Personnel Relations Committee has not met on two separate occasions for the purpose of conducting Police Labor Negotiations.
- Chair Biro was not in attendance at the two Personnel Relations Committee Meetings held on November 19th and November 23rd; the minutes for these two meetings were taken by Councilman Somich and then given to Chair Biro to verbally report.

COMMITTEE MEETING NOVEMBER 19, 2010

Members Present: Mayor Robert M. Weger and Councilman Raymond C. Somich

Also Present: Max Reiker, OPBA Attorney, three members of WH Police Department

Purpose of the Meeting was to discuss Contract Negotiations for Police Officers and any other business.

Meeting convened at 10:10 a.m.

Order of Business

Meeting called to order; no one spoke at Public Portion. Committee moved to Executive Session for Labor Negotiations.

Meeting adjourned at 11:20 a.m.

COMMITTEE MEETING NOVEMBER 23, 2010

Members Present: Mayor Robert M. Weger and Councilman Raymond C. Somich

Also Present: Max Reiker, OPBA Attorney, three members of WH Police Department

Purpose of the Meeting was to discuss Contract Negotiations for Police Officers and any other business.

Meeting convened at 5:07 p.m.

Order of Business

Meeting called to order; no one spoke at Public Portion. Committee moved to Executive Session for Labor Negotiations.

Meeting adjourned at 6:05 p.m.

- Chair Biro announced that a Personnel Relations Committee Meeting is to be scheduled.

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 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 was opened at 7:29 p.m. and as there were no members of the public wishing to address Council, Public Portion was promptly closed at 7:29 p.m.

UNFINISHED BUSINESS

- There was no unfinished business brought forth by Council.

LEGISLATION

ORDINANCE NO. 2010-38 – SECOND READING

AN ORDINANCE PROVIDING FOR AN INCREASE IN THE RATE OF THE MUNICIPAL INCOME TAX; AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE NINE – TAXATION, CHAPTER 185 – INCOME TAX, SECTION 185.0101 – PURPOSE OF LEVY, SECTION 185.0501 – RATE AND INCOME TAXABLE, SECTION 185.0502 – EFFECTIVE PERIOD, SUBSECTION (a) of SECTION 185.1302 – COLLECTION AT SOURCE, AND SECTION 185.1902 – RESIDENT SUBJECT TO INCOME TAX IN OTHER MUNICIPALITY; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2010-38.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2010-38 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to adopt Ordinance No. 2010-38.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2010-38 has been adopted.

ORDINANCE NO. 2010-39 – SECOND READING

AN ORDINANCE APPROVING AND ADOPTING THE 2010 MASTER PLAN FOR COMPREHENSIVE LAND USE FOR THE CITY OF WILLOUGHBY HILLS OHIO.

President Malecek stated that Ordinance No. 2010-39 will remain on Second Reading.

ORDINANCE NO. 2010-40

AN ORDINANCE AMENDING PART SEVEN – BUSINESS REGULATION CODE, CHAPTER 753 – MECHANICAL AMUSEMENT DEVICES AND GAME ROOMS, SECTION 753.04 – MECHANICAL DEVICE LICENSE FEE, SECTION 753.07 – GAME ROOM LICENSE FEE AND SUBSECTION (a) OF SECTION 753.10 – HOURS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO; AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2010-40.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2010-40 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to adopt Ordinance No. 2010-40.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2010-40 has been adopted.

ORDINANCE NO. 2010-41

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – DEPARTMENT OF FINANCE BY THE ADDITION OF A NEW

SECTION 135.35 – SAFETY FORCES SPECIAL REVENUE FUND OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2010-41.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2010-41 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Ordinance No. 2010-41.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2010-41 has been adopted.

ORDINANCE NO. 2010-42

AN ORDINANCE FIXING THE SALARY AND COMPENSATION FOR THE POSITION OF PART-TIME FINANCE DIRECTOR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2010-42.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2010-42 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilwoman Fellows to adopt Ordinance No. 2010-42.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2010-42 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to declare Corn Fest of September 10th through September 13th a public purpose.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that Corn Fest of September 10th through September 13th has been declared a public purpose.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to move into Executive Session to discuss Personnel Matters at the conclusion of the *For the Good of the Order*, inviting the Mayor and the Law Director..

Roll Call: 7 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, the Mayor and Law Director. The Finance Director and the City Engineer will be excused at such time.

FOR THE GOOD OF THE ORDER

- Councilman Somich reported on the following:

Congratulations to Willoughby Hills resident Danny Hrvatin, Director of the Glasbena Matica Singing Society, a traditional Slovenian Choir. The Choir was honored over the Thanksgiving Holiday by the National Polka Hall of Fame with a Life Time Achievement Award

Lake Metro Parks Penitentiary Glen has entertainment all through the Holiday Season – See the Lake Metro Parks Website for details www.lakemetroparks.com

Pat O'Brien Chevrolet hosting 500,000 pound Food Drive for the Cleveland Food Bank – event being held through January 3rd – Please support the effort

