

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
FRANK A. GERMANO
CHRISTOPHER HALLUM
JOHN PLECNIK

Regular Council Meeting

Minutes of July 10, 2014

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 7:01 p.m. by President Raymond C. Somich

Pledge of Allegiance

Roll Call of Council

Members Present: Councilman John Plecnik, President Raymond C. Somich,
Councilman Christopher L. Biro, Vice President Nancy E. Fellows,
Councilman David M. Fiebig, Councilman Frank A. Germano,
Councilman Christopher Hallum

Absent: Finance Director Frank J. Brichacek, Jr.

Also Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe,
City Engineer Pietro A. DiFranco, Clerk of Council Victoria Ann Savage

PUBLIC HEARING

Public Hearing opened at 7:03pm. Clerk of Council read the captions for the following Ordinances:

ORDINANCE NO. 2014-46 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1133 – SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS, SECTION 1133.04 – SETBACK REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

ORDINANCE NO. 2014-47 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1137 – COMMERCIAL DISTRICT REGULATIONS, SECTION 1137.06 – OFF-STREET PARKING AND LOADING REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

ORDINANCE NO. 2014-48 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE ELEVEN– SUPPLEMENTAL DEVELOPMENT STANDARDS, CHAPTER 1153 – OFF-STREET PARKING AND LOADING REGULATIONS, SECTION 1153.07 – LOCATION OF REQUIRED PARKING SPACES AND SECTION 1153.11 – REGULATIONS FOR ACCESS DRIVES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

ORDINANCE NO. 2014-49 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AMENDING PART THIRTEEN – BUILDING CODE, TITLE THREE – LOCAL BUILDING PROVISIONS, CHAPTER 1345 – BUILDING NUMBERING OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

1. Robert Kowalsky
2585 Timberline Drive
Re: Ordinance No. 2014-46 – Doesn't understand Ordinance
Re: Ordinance No. 2014-48 – Doesn't feel we need to change zoning
Re: Ordinance No. 2014-49 – President Somich announced that this Ordinance will remain on Third Reading this evening. Mr. Kowalsky stated that this was regulation on a Federal regulated mailbox – Should have pole with numbers on both sides - City should have a Safety Campaign; eliminate fine

Public Hearing closed at 7:12pm

Disposition of the Journal

Regular Council Meeting of May 8, 2014

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Fellows to approve the Regular Council Meeting Minutes of May 8, 2014 as submitted.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich stated that the Regular Council Meeting Minutes of May 8, 2014 have been approved as submitted.

CORRESPONDENCE

WH Community Center Rental Report for June 2014 (Emailed: June 30, 2014)

City Engineer's Report dated July 3, 2014 (Emailed: July 3, 2014)

Letter from former Mayor Melvin G. Schaefer to Willoughby Hills City Council dated June 30, 2014 re: City Motto (Emailed: June 30, 2014)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month ended June 30, 2014 (Emailed: July 8, 2014)

NOTIFICATIONS

Board of Building and Zoning Appeals cancellation of July 8, 2014 Meeting for no appeals were received (Emailed: June 30, 2014)

Civil Service Commission Meeting of July 10, 2014 (Emailed: July 8, 2014)

Charter Review Commission Meetings for the Month of July 2014 (Emailed: July 1, 2014)

Charter Review Commission Public Hearings scheduled for July 14th and July 15th of 2014 (Emailed: July 2, 2014)

Planning and Zoning Commission & Architectural Board of Review cancellation of July 3, 2014 Meeting (Emailed: July 1, 2014)

Rules and Legislation Committee Meeting of July 7, 2014 (Emailed: July 1, 2014)

Utilities Committee of Council cancellation of Meeting scheduled for June 30, 2014 (Emailed: June 26, 2014)

Utilities Committee of Council cancellation of Meeting scheduled for July 14, 2014 (Emailed: July 1, 2014)

Utilities Committee of Council cancellation of Meeting scheduled for July 28, 2014 (Emailed: July 1, 2014)

MINUTES

Rules and Legislation Committee Meeting Minutes of June 23, 2014 (Emailed: July 1, 2014)

Rules and Legislation Committee Meeting Minutes of July 7, 2014 (Emailed: July 8, 2014)

CHARTER REVIEW COMMISSION MEETING MINUTES OF JUNE 26, 2014 (Emailed: July 8, 2014)

CHARTER REVIEW COMMISSION MEETING MINUTES OF JULY 1, 2014 (Emailed: July 1, 2014)

CHARTER REVIEW COMMISSION MEETING MINUTES OF JULY 7, 2014 (Emailed: July 7, 2014)

ON FILE

WH Senior Center July 2014 Newsletter, Issue Number 75

MAYOR'S REPORT – Robert M. Weger

Safety Town has begun at our Community Center this week. Special thanks to Elaine Crane for her sponsorship of this program.

Charter Review Commission meetings are underway. Public Hearings will be held on Monday, July 14th and Tuesday, July 15th at 6:30pm to give residents a chance to present any concerns or suggestions they may have regarding the City Charter.

White Road Asphalt Project due to begin next week.

Service Department working to make Police Department Emergency Exit driveway

Storm Water Projects – Service Department continuing with projects

CDBG Funding - Additional funds granted for ADA doors at Community Center

Acknowledgements:

Happy 90th Birthday to Lamplight Lane resident Charles Glinski!

Events:

WH Captains Day – Sunday, July 13th – Tickets available thru Recreation Department

Congressman Dave Joyce's Salute to Veterans – Friday, July 18th from 8:30am to Noon at WH Community Center – includes VA Assistance booths and valuable Veteran support information

Willoughby Hills "Family, Fun, Food & Freedom Day" to showcase our City on Saturday, July 19th from 3 to 10pm at Shoppe's of WH – features Classic Car Show, Food, Games, Live Music, Demonstrations and Performances and Fireworks at Dusk. Free Event!

LAW DIRECTOR'S REPORT – Thomas G. Lobe

No formal report was given. Requested an Executive Session be called following for the "Good of the Order" to discuss Ordinance No. 2014-58, inviting the Members of Council, Mayor, Law Director and Lt. Timothy Serazin

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

The Finance Director was absent; therefore no formal report was given.

CITY ENGINEER'S REPORT – Pietro A. DiFranco, P.E.

Construction is ongoing at the new Maple Valley Subdivision and the Clover Senior Apartment Building

We are continuing our design of the Knecht/O'Brien culvert replacement and the Lamplight culvert replacement

Participated in a meeting this past Monday with the Stratford Place Homeowner Association. We are still assisting them in dealing with their flooding issues.

President Somich reminded everyone that we receive a regular written report from our City Engineer which is available online. **Councilwoman Fellows** asked about Stratford, is there any cost aligned with that project? The **City Engineer** responded he can get that information from Nate (Road Superintendent); what would be associated with that would be a water-level censor, and a backwater valve, and the time involved from the Service Department. The **Law Director** added the last meeting was supposed to be with the developers and the City and the developers didn't show up; the next meeting is scheduled for August 11 and this time Ryan Homes is supposed to show. That's the big one so we can figure out where the water is coming from.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

RULES & LEGISLATION – Nancy E. Fellows, Chair

Committee Members: David M. Fiebig, Raymond C. Somich

COMMITTEE MEETING OF JULY 7, 2014

Members Present: Vice President Nancy E. Fellows, Chair, Councilman David M. Fiebig, President Raymond C. Somich

Also Present: Councilman Christopher L. Biro, Councilman Christopher Hallum, Councilman John Plecnik and Mayor Robert M. Weger

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

Meeting convened at 6:03pm

Order of Business

Legislation for the Council meeting of July 10, 2014:

Ordinance 2014-36 – This Ordinance is for the renewal of an existing 2.5 mill Road Levy to be placed on the November 4, 2014 ballot. **Rules and Legislation recommends that this be read for the 3rd time and adopted.**

Ordinance 2014-43 – Appropriations for the Chagrin Drive Drainage Project. Funds were granted from the Lake County Storm Water Mgmt. Dept. **Rules and Legislation recommends this Ordinance be read for the 3rd time and adopted.**

Ordinance 2014-44 – Appropriations for Dodd/Eagle Nest Roads Drainage Project at an estimated cost of \$37,500. Application to Lake County Storm Water Mgmt. for a grant approved. Project not completed. **Rules and Legislation recommends this Ordinance be read for the 3rd time and adopted.**

Ordinance 2014-45 – This Ordinance is in reference to adopting a Tax Budget for the fiscal year 2015. A Public Hearing has been posted for Thursday June 26, 2014 at 7:00 p.m. This Ordinance must be adopted no later than July 15, 2014. (Look to adopt at our first council meeting in July, July 10, 2014). **Rules and Legislation recommends this Ordinance be read for the 3rd time and adopted.**

Ordinance 2014-46 – An Ordinance aligned with Planning and Zoning verbiage changes from “building” to “dwelling” on Set-Back Requirements. A mandatory Public Hearing has been scheduled for July 10, 2014 at 7:00 p.m. to allow the public to review and comment on the proposed amendments before legislative action is taken. **Rules and Legislation recommends this Ordinance be read for the 3rd time and adopted.**

Ordinance 2014-47 – An Ordinance adding a section to the Planning and Zoning Code on “cross-access”. This need was identified during review of the plans for Dunkin’ Donuts that would be advantageous for future development on Bishop Road and elsewhere. A discussion ensued. **Rules and Legislation recommends this Ordinance be read for the 3rd time and adopted.**

Ordinance 2014-48 – An Ordinance that accompanies Ordinance 2014-47 for location of required parking spaces permitted with cross-access drives. **Rules and Legislation recommends this Ordinance be read for the 3rd time and adopted.**

Ordinance 2014-49 – An Ordinance to allow (require) mailbox numbering to on both sides (Chapter 1345, Building numbering). After information was shared by Councilwoman Fellows, identification of varying degrees of house and mailbox numbering and presentation, concerns aligned with the enforcement of this Ordinance, the **Rules and Legislation recommends to Council that this Ordinance be Tabled.**

Ordinance 2014-50 – An Ordinance to payback the Pleasant Valley Road Bridge Maintenance and Capital Repair Fund No. 443 with the Motor Vehicle License Fee Special Revenue Fund No. 255. **Rules and Legislation recommends this Ordinance be read for the 3rd time and adopted.**

Ordinance 2014-51 – An Ordinance directed by the Finance Director to close out the Motor Vehicle License Tax Special Revenue Fund No. 255 to be changed to July 31, 2014 and any remaining equity and interest in the Motor Vehicle License

Tax Revenue Fund is transferred to the Street Construction, Maintenance and Repair Fund No. 250. **Rules and Legislation recommends this Ordinance be read for the 3rd time and adopted.**

Ordinance 2014-52 – Accompanies Ordinance 2014-51, if adopted, then the Codified Ordinance will need to be amended. **Rules and Legislation recommends this Ordinance be read for the 3rd time and adopted.**

Ordinance 2014-53 – Appropriations for the Rogers Road ditching and culvert repair project for approximately \$23,800. Application to the Lake County Storm Water Mgmt. Dept. If the grant is not awarded this project would not be undertaken. **Rules and Legislation recommends this Ordinance be on 2nd Reading.**

Ordinance 2014-54 – Appropriations for the Curtis-Wright Parkway catch basin replacement project (18 catch basins) for approximately \$10, 800. Application to the Lake County Storm Water Mgmt. Dept. If the grant is not awarded this project would not be undertaken. **Rules and Legislation recommends this Ordinance be on 2nd Reading.**

Ordinance 2014-56 – Appropriations for Rodgers Road Collapsed Culvert Headwall Repair Project. Funds granted by the Lake County Storm Water Mgmt. Dept. The project is in process. **Rules and Legislation recommends the 3 Reading Rule is Waived and the Ordinance adopted.**

Ordinance 2014-57 – Appropriations for the River Road North Storm Sewer Replacement Project. Application to the Lake County Storm Water Mgmt. Dept. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

Ordinance 2014-58 – An Ordinance authorizing and directing the Mayor to execute an agreement (contract) between the City of Willoughby Hills and the Willoughby Hills Fire Fighters, Local #3149 of the International Association of Fire Fighters, AFL-CIO. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

To come: Ordinance 2014-59 – An Ordinance to appropriate funds for the Contracted Fire Negotiations.

Public Portion

Public portion opened at 6:32 p.m. Linda Fulton inquired if the City would be liable in any way if an emergency squad was summoned to a resident's home, where it may not be marked appropriately and it took longer to get to the emergent situation? (Per the Law Director, "the City would be protected under Sovereign Immunity", whereby they cannot commit a legal wrong and is immune from a civil suit or criminal prosecution). Frank Cihula mentioned that historically a Hardware store in town provided number holders for mailboxes to be sold under a Block Watch initiative that were 2" in height. Bob Kowalski stated that a mailbox is federally regulated. Depending on the mail carrier's route mail boxes may not be in front of the residence. Adopting a pole for address identification is another option. This topic should be placed under a "safety" category.

Public portion closed at 6:39 p.m.

Meeting adjourned at 6:39pm

OTHER COUNCIL REPRESENTATIVE REPORTS

There were no other Council Representative Reports presented to the Members.

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 7:31pm

1. Faye Sivazlian
37250 Chardon Road

Re: City Employee informed her that he had torn down her house; there was a little cottage on a lot that she had owned at the end of Hayes Drive; it was a cottage that she was sure needed a lot of repair and work and probably tearing it down she would have considered it a favor if it is not that we have a law that says she can never rebuild on that lot; she could have rebuilt and fixed up the cottage that was already there but now that it is has been removed she will not be able to rebuild anything because it is considered a flood plain and that represents a big loss to her; she presented the Members with drawings; she was down at the County Office the other day, and it

popped out at her when they showed her Hayes Drive, Hayes Drive had changed its location. This is not a new concern, it is a concern for her because she has lost a lot, it is also a concern because she has been paying a lot of taxes on it over the years, (she had her current tax bill, \$86.14). When she was down there getting information, for other reasons, she could see that the drawing of Culvert Drive, she corrected herself to say Hayes Drive had been changed. Now the driveway to the cottage that she had learned, that she owns and still does own, became a part of Hayes Drive. She stated that she knew that there was a problem with Hayes Drive when she was doing Squires Ridge Subdivision because Hayes Drive, you were always using Hayes Drive, the garbage truck used it; that has been going on now for a long time, and over many complaints, and it came up that Hayes Drive was a private drive, her driveway and Hayes Drive are two different things. It seems that the last house on the road didn't want the garbage truck to turn around in her driveway so they decided to use the driveway that she owns down at the end of Hayes Drive. So number one, you need to stop trespassing on her lot. Right now, when she was down there the other day, and considering cleaning it up, the lot looks like the garbage truck not only turns around there, he leaves part of his contents there and she talked with someone else about cleaning up her lot down there and it is in such bad shape that it will be a big project. But she wants the City to stop using it as a place to turn around and we need to fix the road to get down there, can only get down there using her pickup truck, the ruts are so deep. We need to do something about the fact that she has lost the use of the lot. Now asking Law Director to restore her ability to put another cottage on the lot if she chooses. **President Somich** informed Ms. Sivazlian that she was allowed an extra two minutes to give her some extra time but we really have to call end to her comments at this point. Ms. Sivazlian said okay and that she wants a response.

2. Robert Kowalsky

2585 Timberline Drive

Re: Thanked Council for giving a resident extra time to explain her personal harm. Wanted to talk about moving money around. Addressed Ordinance No. 2014-50 stating that it was moving money around and manipulating money; addressed repayment schedule for Pleasant Valley Road Fund; Recommended Tabling Ordinance and associated legislations that do this; Table it all and reconsider it, asked if \$15,000 was enough a year? Considering that in 2017 that fee is going up, it won't be \$5.00 anymore.

3. Andy Gardner

38123 Dodd's Hill Drive

Chair of the Charter Review Commission

Re: Thanked the Mayor for reminding everyone of the Public Hearings being held next Monday and Tuesday starting at 6:30 here in Council Chambers. Reminded the Council Members that a Memo was sent out last week asking for any commentary/suggestions regarding the Charter; can take that in written form or could attend the meetings, the Charter Review Commission has requested comments be submitted by Tuesday, July 15th. Thanked the Council Clerk for providing information on past Commissions and assistance in serving notifications of meetings and public hearings. Announced Public Hearings scheduled for 6:30pm on Monday, July 14th and Tuesday, July 15th. Thanked the Mayor's Assistant for clerking the Charter Review Commission Meetings.

Public Portion was closed at 7:43pm

UNFINISHED BUSINESS

Law Director Lobe addressed Ms. Sivalizan's concerns. Law Director Lobe offered to sit down with her and/or her Engineer or Legal Representative, like he always have for the last fifteen plus years. For Council's understanding, there are two different roads that Ms. Sivazlian brings forth at different times on her property. One is on Culvert Drive which is a paper drive off of Route 6; the one in question here is Hayes Drive which is off of 174 on the backside, just so everybody is aware. The Law Director stated that he has dealt more with Culvert Drive through the years but he has also been involved and knows a little bit about Hayes Drive; in fact, it was litigation that she had mentioned, Squires, Sanders and Dempsey, he thinks back in '93, '94 it was even before his time, and he has been here for seventeen years, but that was also effected some legal rights on that particular property. As to any shifting of the road, that would be on the County Records, he can assure everyone on the dais, the Administration and the Public that the City did not have anything to do with it but he thinks that he will look into it because she has now raised the issue. It seems to be something down at the County, he doesn't know if it is a GIS adjustment or something else, but in fairness to her, he thinks that we should look at it. The Law Director went on to say that we have through the years been dealing with Ms. Sivazlian on these land use issues and it is the Hayes Drive issue and the last lawyer she.... he thought he spoke with at least six or seven of her lawyers through

the years, Tim Grendell, etc, and the last one was Randy Klammer so if you want his (Law Director Lobe) cell number which he always makes public; he thinks that it would be good, just to get an informational meeting, he can always do it for Administration and Council to develop some facts; (440) 725-5410. Law Director stated that she could call him on the weekends, call him at night and he will probably set up with himself and the Building Department just so that we can get things going for Ms. Sivazlian; he makes no promises or guarantees on the course that we are going to go but this is new issue and it is an older issue too that we are going to have to pull some of the died files and get together. Asked Ms. Sivazlian if that was fair enough. **Ms. Sivazlian** asked if the Law Director could repeat cell phone number. Law Director Lobe again gave cell number (440) 725-5410. Law Director Lobe also suggested that she can make arrangements through the Mayor's Assistant. The Law Director will arrange a meeting with the Building Department and asked that Ms. Sivazlian bring all records, documents that she may have.

President Somich wanted to clarify one item pertaining Mr. Kowalsky comments. He made a statement to the reference that funds were used elsewhere that should have been applied to the bridge and that is not a correct statement. President Somich stated that there were funds that were left in one particular account that were not transferred into the Bridge Maintenance Account but those funds were not used elsewhere; they remained in that prior account.

LEGISLATION

ORDINANCE NO. 2014-36 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A RENEWAL OF AN EXISTING 2.5 MILL LEVY IN EXCESS OF THE TEN (10) MILL LIMITATION AT THE GENERAL ELECTION TO BE HELD NOVEMBER 4, 2014 FOR THE CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS, BRIDGES AND THE REPLACEMENT AND REPAIR OF NECESSARY ROAD EQUIPMENT & MACHINERY INCLUDING BUT NOT LIMITED TO MATERIALS, LABOR & FACILITIES IN THE CITY AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum to adopt Ordinance No. 2014-36.

Councilman Plecnik stated that he thinks that it is important enough for the public who might not be familiar with this ordinance, that this is a renewal of the Road Levy, it is not in any way a tax increase and one reason why it is so important to have a renewal with no changes is that due to amendments to state law, if you make any changes as opposed to a straight rate renewal to a property tax levy you lose a 12.50 percent rollback, effectively a subsidy from the state so by passing this as a renewal we are not only avoiding raising taxes we are also ensuring that funding from the State continues to come to Willoughby Hills so this is a pretty prudent move to maintain our funding.

President Somich wanted to make sure that it is clear, what we are approving here is to put the issue on the ballot, it is not being passed here in terms of renewing that levy; it allows it to be put on the ballot so that it will be voted on by the constituents of Willoughby Hills in November.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-36 has been adopted.

ORDINANCE NO. 2014-43 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE CHAGRIN DRIVE DRAINAGE PROJECT AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2014-43.

Councilman Plecnik wanted to make sure that he understands the status of this project and asked if it was complete or not. The **Mayor** replied that it wasn't complete. **Councilman Plecnik** asked if we know what Contractor or City Department will handle it. The **Mayor** replied ABA Plumbing, Dino DiFranco was planning on doing it. **President Somich** added that it has been fully funded.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-43 has been adopted.

ORDINANCE NO. 2014-44 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE DODD/EAGLE NEST ROADS DRAINAGE PROJECT AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN HALLUM, seconded by Councilman Biro to adopt Ordinance No. 2014-44.

Councilman Plecnik stated that precisely the same questions as before, is the project complete and if not do we know who is going to be performing it. The **Mayor** replied no it is not complete, it hasn't been started and as far as he knows the Service Department will be doing it after they finish White Road.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-44 has been adopted.

ORDINANCE NO. 2014-45 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2015 FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Fellows to adopt Ordinance No. 2014-45.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-45 has been adopted.

ORDINANCE NO. 2014-46 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1133 – SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS, SECTION 1133.04 – SETBACK REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to adopt Ordinance No. 2014-46.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-46 has been adopted.

ORDINANCE NO. 2014-47 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1137 – COMMERCIAL DISTRICT REGULATIONS, SECTION 1137.06 – OFF-STREET PARKING AND LOADING REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to adopt Ordinance No. 2014-47.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-47 has been adopted.

ORDINANCE NO. 2014-48 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE ELEVEN– SUPPLEMENTAL DEVELOPMENT STANDARDS, CHAPTER 1153 – OFF-STREET PARKING AND LOADING REGULATIONS, SECTION 1153.07 – LOCATION OF REQUIRED PARKING SPACES AND SECTION 1153.11 – REGULATIONS FOR ACCESS DRIVES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Ordinance No. 2014-48.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-48 has been adopted.

ORDINANCE NO. 2014-49 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AMENDING PART THIRTEEN – BUILDING CODE, TITLE THREE – LOCAL BUILDING PROVISIONS, CHAPTER 1345 – BUILDING NUMBERING OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to Table Ordinance No. 2014-49 as recommended by the Rules and Legislation Committee of Council.

Councilwoman Fellows reported that she had lengthy discussions with the Building Commissioner and also with the Chair of the Planning and Zoning Commission and they have...understand a position on it and they have asked that we take the opportunity to remarket and she would be happy to take that on and have anybody from Rules and Legislation help or Council or however you want to do it to add a little more clarity because this came before Council probably around four years ago, she does remember it however she does not remember the specifics any longer. So it didn't pass then and it hasn't passed now; there is obviously something that needs to be looked at even broader.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-49 has been Tabled.

ORDINANCE NO. 2014-50 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR INCREASING THE APPROPRIATION OF THE MOTOR VEHICLE LICENSE FEE SPECIAL REVENUE FUND NO. 255 AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2014-50.

Councilman Plecnik asked for clarity is this the ordinance that is moving funds from the more General Fund back to the Bridge Maintenance Fund over time. **President Somich** responded by stating that he knows that all three of these are tightly round and in terms of the process of changing the funds without an examination at this moment, he is not sure of that; is this the one that changes? Then the answer is yes. **Councilman Plecnik** stated that he does share the concerns that were discussed in Public Portion that over time we haven't transferred the funding into this in a timely fashion and he personally would rather see an ordinance that transferred all at once, that said he would rather transfer over time then not at all; he will vote for it although he would express his wish to Council, he certainly would prefer to transfer it all at once given that it should have been transferred in the past. **Councilwoman Fellows** agrees, but she doesn't think that the City has that kind of money to transfer it all at once that is why it was parlayed out. **Councilwoman Fellows** stated that the Finance Director is not here to comment.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-50 has been adopted.

ORDINANCE NO. 2014-51 – THIRD READING

1ST Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO CLOSE THE MOTOR VEHICLE LICENSE TAX SPECIAL REVENUE FUND NO. 255 AS OF JUNE 30, 2014; ANY REMAINING EQUITY IN THE MOTOR VEHICLE LICENSE TAX SPECIAL REVENUE FUND AS OF SUCH DATE SHALL BE TRANSFERRED TO THE STREET CONSTRUCTION, MAINTENANCE AND REPAIR SPECIAL REVENUE FUND NO. 250; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

After reading the Caption, the **Clerk** confirmed that the date of June 30, 2014 was changed to July 31, 2014. **President Somich** confirmed that was changed several weeks ago, changing the end date of this to be done by the end of July as opposed to the end of June which obviously could not have been done.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2014-51.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-51 has been adopted.

ORDINANCE NO. 2014-52 – THIRD READING

1st Reading: June 12, 2014

2nd Reading: June 26, 2014

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE , TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – DEPARTMENT OF FINANCE, SECTION 135.24 – MOTOR VEHICLE LICENSE TAX FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2014-52.

Roll Call: 7 AYES – unanimous
President Somich declared that Ordinance No. 2014-52 has been adopted.

MOTION PASSES

ORDINANCE NO. 2014-53 – SECOND READING

1st Reading: June 26, 2014

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE ROGERS ROAD DITCHING AND CULVERT REPAIR PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-53 would remain on Second Reading.

ORDINANCE NO. 2014-54 – SECOND READING

1st Reading: June 26, 2014

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE CURTISS-WRIGHT PARKWAY CATCH BASIN REPLACEMENT PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-54 would remain on Second Reading.

ORDINANCE NO. 2014-56

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE ROGERS ROAD COLLAPSED CULVERT HEADWALL REPAIR PROJECT AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2014-56.

Councilman Fiebig stated that due to the urgency of the matter, the collapsed headwall and we certainly needed to appropriate funds for that to move forward with that immediately. Councilwoman Fellows added that the funds have been granted by Lake County so we have the funds to do it as well.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2014-56 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to adopt Ordinance No. 2014-56.

Councilman Plecnik stated that he takes it that this project has yet to be done so his question would be do we know at this point which contractor the City Department will handle this issue. The Mayor responded that this has been done and it was Discivil Construction.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-56 has been adopted.

ORDINANCE NO. 2014-57

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE RIVER ROAD NORTH STORM SEWER REPLACEMENT PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-57 would remain on First Reading.

ORDINANCE NO. 2014-58

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE WILLOUGHBY HILLS FIRE FIGHTERS, LOCAL #3149 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO AND DECLARING AN EMERGENCY.

President Somich declared that Ordinance No. 2014-58 would remain on First Reading.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilman Hallum to adjourn into Executive Session immediately following “For the Good of the Order” inviting all of Council, Law Director, Mayor, and Lt. Timothy Serazin for Collective Bargaining discussion.

Councilman Fiebig questioned if Lt. Serazin needed to include anyone else in the discussion. **Lt. Serazin** responded no.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Council will adjourn into Executive Session immediately following “For the Good of the Order.”

Councilwoman Fellows stated under Correspondence, there was a letter from former Mayor Melvin Schaefer to Willoughby Hills City Council dated June 30, 2014 concerning the City Motto and it is the desire of Mayor Schaefer that his letter be read:

June 30, 2014

Willoughby Hills City Council
Raymond Somich, Pres. Et, al

Re: City Motto

Dear Councilman,

In his year-end newsletter, Mayor Weger said that he was intending to change our City Motto. I immediately confronted the Mayor asking for an explanation for the intended change.

Mayor Weger said that the purpose was to attract new business to our City. My response was that I had not known of any business that made the choice to locate because of the City motto. Businesses select a location due to traffic, critical mass and available zoned land. The recent decision to bring a motorcycle dealership to Bishop Road is a good example.

In the 1980s, I became aware that neighboring cities had mottos, and we had none. I then coined the motto “Where the City meets the Country”. Since this was going to be significant step, I felt I should have the advice and consent of City Council. I prepared and sent to City Council Resolution #1989-10 which was approved by Council.

This motto was quickly accepted and approved by the majority of our residents. Everyone felt that the motto accurately depicts the character of our community. It continues to be a very popular and easily remembered motto.

I advised Mayor Weger of the legislation on record. He said that it would cost a lot of money to change the signs and he had no plans to proceed at that time. Today, I noted that the signs are being replaced. Apparently the Mayor found the funds, and had chosen to act unilaterally.

I am requesting the council address this issue by either overriding the existing legislation and endorsing the Mayor’s newly proposed motto, or documenting their objection to the change of motto by a Resolution of Council. I am also asking the Mayor to stop the removal of existing signs until Council has an opportunity to consider this matter.

I will accept the decision of Council.

Melvin G. Schaefer, Mayor 1976-1991

Councilwoman Fellows stated she thinks we need to have a discussion, wherever you want to put it Council President. **President Somich** stated since it was addressed to him, he did have a discussion with the Mayor and he learned he has had a discussion with former Mayor Schaefer and he has been told that the situation relative to the one sign that was constructed or erected has been adequately solved to the satisfaction of former Mayor Schaefer and that no further signs are going to be put up until this matter is further discussed by the Administration and Members of Council and anyone interested in putting thoughts into that so at this point we have remedied all parties and it will be up for future consideration/discussion as we choose. **Councilwoman Fellows** stated she was just doing what Mayor Schaefer asked us to do. **President Somich** replied he thinks he probably asked for that before the meeting with the Mayor but it's fine. Certainly a former Mayor has the right to express his opinions. **Councilman Plecnik** stated for the record, he did want to say that he personally supports our current motto "Where the City meets the Country"; he thinks consistency is very important in marketing; he thinks it's a good motto that does reflect the City well and a motto should only be changed if there is a significant reason for doing so and a lot of consensus, because when one is inconsistent, you lose brand identification and he has taken a lot of marketing classes, including at Columbia University, and he thinks that we need to remember the importance of our brand and the good brand that Willoughby Hills does have; we are "Where the City meets the Country" and he agrees with Mayor Schaefer and wants to keep the motto that way. **President Somich** stated at this time he is not going to take any other opinions; he does not think this is the time or the place for it; we are not having any further votes on it this evening or discussion on this; we all may have different varying degrees of marketing backgrounds and marketing abilities and a lot of opinions are involved in it so he feels enough has been said on this topic this evening.

FOR THE GOOD OF THE ORDER

There were no comments made by the Members.

President Somich called for Council to adjourn into Executive Session at 8:12pm for Collective Bargaining Discussions. **President Somich** gave the City Engineer the option to be dismissed for the evening.

With all Members present, along with the Mayor and the Law Director the Regular Council Meeting reconvened at 9:05pm.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilwoman Fellows to adjourn the Regular Council Meeting of July 10, 2014.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Somich declared the Regular Council Meeting of July 10, 2014 to be adjourned at 9:06pm

APPROVED: September 11, 2014
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council Pro-tem

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