

City of Willoughby Hills

Regular Council Meeting

Minutes of September 26, 2013

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 7:00 p.m. by President David A. Reichelt

Pledge of Allegiance

Roll Call of Council

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

Absent:

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

Presentations

Resolution No. 2013-14 – A Resolution commending the fine work performed by Boy Scout Troop #562 benefiting the City of Willoughby Hills and its residents was presented by President Reichelt to the members of Boy Scout Troop #562 who were in attendance.

President Reichelt acknowledge the fine work and support of volunteer Co-Curator Robert Bartolotta and volunteer Co-Curator Thomas Majeski.

Mr. Bartolotta could not present, so President Reichelt read the following letter addressed to Mayor Robert Weger, Council President and Members of City Council from Robert J. Bartolotta of 2821 Trabar Drive, Willoughby Hills, Ohio:

“Thank you for the recognition of work performed as volunteer Co-curator of the Willoughby Hills Maplegrove Grange Hall #1430, 2454 River Road, Willoughby Hills, Ohio 44094.

It is an honor to work on this historic building originally built in 1896. It continually teaches new lessons and reveals old surprises. Moreover it is an honor to work with the leaders of the City of Willoughby Hills including Mayor Bob Weger, Gloria Majeski (Assistant to the Mayor) and members of city council of the City of Willoughby Hills. Volunteer Co-curator Tom Majeski has been an excellent teacher and mentor as we take on a variety of tasks to keep the Grange Hall a source of pride for the community. Recently, major renovation projects including roof and siding replacement, electrical updates, installation of a bathroom on the main floor and countless upkeep projects have revitalized the building that has now withstood 117 years of continuous usage in three different locations along River Road.

Currently the Grange Hall is the meeting place for our two local scout troops. Once again it is an honor to work with the boys of Boy Scouts of American Troop #562 and their Scoutmaster John Krauss and Assistant Scoutmaster Keith McClendon, and the girls of Girl Scouts of North East Ohio Service Unit No. 762 under the leadership of Director Kim Van Sickler. It is a pleasure to watch the scouts come into their meetings at the Grange Hall and embrace the building as if it is their second home. At the Grange Hall numerous work and service projects have been completed, are in progress or are being planned by our scouts.”

Resolution No. 2013-15 – A Resolution commending Boy Scout Troop #562 Member Jonathan Rullis for his fine work and for overseeing the work performed by his fellow troop members on the Footbridge Project located at the Veterans Memorial Park was presented by President Reichelt to Scout Troop #562 Member Jonathan Rullis.

Disposition of the Journal **Regular Council Meeting of July 25, 2013**

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of July 25, 2013 as submitted.

Roll Call: Reichelt-yes, Somich-yes, Biro-yes, Fellows-abstain, Fiebig-yes, Germano-yes, Malecek-yes

MOTION PASSES: 6-AYES w/1 Abstention

President Reichelt declared that the Regular Council Meeting Minutes of July 25, 2013 have been approved as submitted.

CORRESPONDENCE

City Engineer's Report dated September 5, 2013 (Emailed: September 18, 2013)

FINANCIAL REPORTS FOR THE MONTH ENDING AUGUST 2013 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: September 17, 2013)

NOTIFICATIONS

Planning & Zoning Commission and Architectural Board of Review Meeting of September 19, 2013 (Emailed: September 16, 2013)

Recreation Commission Meeting of October 2, 2013 (Emailed: September 24, 2013)

Recreation Committee Meeting of September 23, 2013 (Emailed: September 19, 2013)

Rules and Legislation Committee Meeting of September 26, 2013 (Emailed: September 23, 2013)

Utilities Committee Meeting of September 23, 2013 (Emailed: September 23, 2013)

MINUTES

Planning & Zoning Commission and Architectural Board of Review Meeting of July 8, 2013- posted on the City's Website as of August 23, 2013

Recreation Committee Meeting Minutes for September 23, 2013 (Emailed: September 25, 2013)

Service Committee Meeting Minutes for September 9, 2013 (Emailed: September 26, 2013)

MAYOR'S REPORT – Robert M. Weger

Community Center SWIF Grant Project complete

Congratulations and Thank You to all for a great Color Run

Auditors completed their work – Auditor Report forthcoming – No Issues

Acknowledgements

Condolences to PT Police Officer Dave D'Eusanio on the death of his mother

Events

Craft Show – October 12th

LAW DIRECTOR'S REPORT – Thomas G. Lobe

Law Director wanted to acknowledge the Finance Director because the Law Director anticipates that the City is going to have a very good audit report this year and this is because the Finance Director is doing everything right. This is a significant turnaround from about six years ago, as we all know; the Finance Director is even handling the little matters. The Law Director was with the Finance Director and everything was done promptly, he gave documents to the Auditors expeditiously, answered all questions, and even was able to correct the Auditors. The Law Director anticipates a good audit and stated that it was probably the best thing that government can do, besides paying bills and other things for at least the City's books are in order; so little shout-out and kudos are in order for the Finance Director, Frank Brichacek!

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

Reported that the Auditors completed their Field Work; Finance Director anticipates that the post audit will be within a few weeks.

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

Road Projects on Maple Grove and Gatsby/Kristen are substantially complete, just addressing a few minor punch-list items

The Culvert Project on Rosewood was complete last week

Next on the City Engineer's Agenda are Culvert Projects along Eddy Road and Lamplight

COMMITTEE REPORTS

President Reichelt asked if there were any **Committee Chairs** who would like to provide a report. Reports have been listed alphabetically by Committee.

RECREATION – Christopher L. Biro, Chair

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

COMMITTEE MEETING OF SEPTEMBER 23, 2013	
Members Present:	Councilman Christopher L. Biro, Chair, Councilman David M. Fiebig, Councilman Raymond C. Somich
Also Present:	Councilman Frank A. Germano, Law Director Thomas G. Lobe, Mayor Robert M. Weger, Mayor's Assistant Gloria Majeski, Recreation Coordinator Denise Edwards
Purpose of the Meeting was to discuss <u>Establishing Rates for Use of the Gazebo located at the Veteran's Memorial Park</u> and any other business.	
Meeting convened at 6:33pm	
<i>Order of Business</i>	
<u>Veteran's Memorial Pavilion:</u> Discussed potential for rental of pavilion due to multiple requests. Major concerns regarding usage revolve around parking since limited space available when multiple activities are in play. Other concerns involve cleanup, oversight, and restrooms.	
<u>Coordination of Facility:</u> Through Recreation Coordinator	
<u>No Action Taken by Committee:</u> Requested Recreation Coordinator to take these issues back to Recreation Commission to draft pricing for Rental as well as Use Rules and Regulations. Council will consider these issues for Codification after final determination.	
<i>Public Portion</i>	
Public Portion was opened with Frank Cihula and Linda Fulton coming forward with questions and comments regarding the Pavilion.	
Meeting adjourned at 7:01pm	

RULES & LEGISLATION – David A. Reichelt, Chair

Committee Members: **Nancy E. Fellows, Kevin D. Malecek**

COMMITTEE MEETING OF SEPTEMBER 26, 2013	
Members Present:	President David A. Reichelt, Chair, Councilwoman Nancy E. Fellows, Councilman Kevin D. Malecek
Also Present:	Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Raymond C. Somich, Law Director Thomas G. Lobe, Mayor Robert M. Weger
Purpose of the Meeting was to discuss <u>Pending Legislation</u> and any other business.	
Meeting convened at 7:18pm	
<i>Order of Business</i>	
<u>Ordinance No. 2013-41</u> – Addressing the Sewer Rates. Committee questioned to uphold the Three Reading Rule or to adopt. The ordinance does not require immediate action; therefore it will have a thirty-day activation period, so it was the consensus of the Committee to recommend waiving the Three Reading Rule and Adopt at the Regular Council Meeting of September 26, 2013.	

Public Portion

Public Portion was opened at 7:25pm and with no one coming forth from the public sector, public portion was promptly closed.

Meeting adjourned at 7:25pm

SERVICE – Nancy E. Fellows, Chair

Committee Members:

Frank A. Germano, Kevin D. Malecek

COMMITTEE MEETING OF SEPTEMBER 9, 2013

Members Present: Councilwoman Nancy E. Fellows, Chair, Councilman Frank A. Germano, Councilman Kevin D. Malecek

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, President David A. Reichelt, Councilman Raymond C. Somich, City Engineer Pete DiFranco, Law Director Thomas G. Lobe, Mayor Robert M. Weger

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

Meeting convened at 6:32pm

Order of Business

Engineer Pete DiFranco reviewed his Engineer's Report of 9/5/2013. Highlights included:

Veterans Memorial Park is now complete, thank you to Council President David Reichelt for his time and effort to make this project a huge success.

Rogers Road Slope Stabilization is complete including payments and reimbursements.

The Knecht/O' Brien Culvert on Eddy Rd has been approved by Lake County to move forward.

Pavement Markings are nearly complete, projected 9/5/2013 (may be complete by now)

Pleasant Valley Road Bridge – our Service Dept has applied asphalt and water proofing to ward off deterioration of the bridge due to salt applied in the winter. In addition, to post load rating from 8 to 4 ton.

The Paver Program at the Community Center has begun and will be monitored.

Rosewood Trail – there is a meeting scheduled to meet w the residents concerning extension of the drainage pipe, the construction has been awarded to Longo Sewer.

Discussion on the plan to mitigate flooding on Lamplight: the existing condition identifies when the water pressure and flow are too high to flow through the culvert, it flows over the road and subsequently yards as well. Reviewed CT's recommendations for a dike, culverts, and a spillway, analysis is that the estimate for this diversion is still too low, with the potential for water to still spill over the culverts. It is (was) recommended from the Service Committee to Council that the engineer moves forward with pricing out option 2: raise the road 6-12", install 36" overflow pipes on both sides of the existing culvert.

Council President Dave Reichelt shared that there are complaints from the residents at Stratford Place, concerning discarding of trash. The Mayor is aware of this.

Public Portion

The following people came forth at 7:15 p.m. with questions/comments:

Frank Cihula – inquired if Hanna Road will be widened with the paving, response was no. Also, by raising Lamplight Road at the creek, will properties still experience flooding? The Engineer responded it would depend on the intensity of a storm.

Public Portion was closed at 7:17pm

Meeting adjourned at 7:17pm

UTILITIES – Frank A. Germano, Chair

Committee Members:

David M. Fiebig, Raymond C. Somich

COMMITTEE MEETING OF SEPTEMBER 23, 2013
Members Present: Councilman Frank A. Germano, Chair, Councilman David M. Fiebig, Councilman Raymond C. Somich
Also Present: Councilman Christopher L. Biro, Councilman Kevin D. Malecek, Finance Director Frank J. Brichacek, City Engineer Pete DiFranco, Law Director Thomas G. Lobe, Mayor Robert M. Weger
Purpose of the Meeting was to discuss Sewer Rates and any other business.
Meeting convened at 7:04pm
<i>Order of Business</i>
The following are the topic points of discussion pertaining to City Sewer Rates: 1. Repairs are expensive when needed; 2. Reserve Fund is needed for emergency; 3. Long-term Rate Schedule helps City secure loans for projects if needed
It was the consensus of the Committee to recommend to Council to accept the proposed Sewer Rate Schedule as prepared by the Finance Director.
<i>Public Portion</i>
Public Portion was opened at 7:45pm and with no one coming forth from the public sector, public portion was promptly closed.
Meeting adjourned at 7:45pm

OTHER COUNCIL REPRESENTATIVE REPORTS

President Reichelt reported that he will be attending the Noise Abatement Council Meeting being held at the Cuyahoga County Airport tomorrow morning (September 27th) at 10:00am

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 7:59pm

1. Virginia Bing
36951 Beech Hills Drive

Re: Address the recent News-Herald Article pertaining to 36802 Beech Hills, a blighted house, a house in limbo; the grass has not been cut all summer, last summer the City did take care of it by billing the property; resident called in the middle of the summer inquiring about the lawn (over two months); basically, the lawn was not mowed all year. The listed owners are Kevin and Sue Lloyd who have walked away from the home several years ago when they moved to Florida. House has been up for Sherriff's Sale, more than once; more than \$17,000 back taxes – Questioning if there is anything that the City can do, can the lawn be mowed, can the City assist in moving the house out of limbo. It is a blight and it is unsafe and dangerous. It has water in the basement and there is mold.

Public Portion was closed at 8:02pm

UNFINISHED BUSINESS

Law Director wanted to provide some guidance; instructed Ms. Bing to take down his cell number, 440-725-5410. The Law Director stated that Ms. Bing's comments are pretty accurate, it is not that the grass is significantly high, and there is a problem. The Law Director has been monitoring this situation from a legal standpoint, and we were hopeful that some of those foreclosures would have proceeded. Basically, we were hopeful that someone would come and take it over; somebody buys it out of foreclosure. This was a bank foreclosure, now it is a foreclosure pursuing the real state taxes and will be sold for the minimum bid to cover the back-taxes and costs only, not for the true value of the property. The Law Director has been pushing this through Court and is looking for sometime in November. The Law Director stated that this is the worst property in Willoughby Hills, the County has a Land Bank Reutilization Program and the City has had it on a Demolition List for about a month-

month and a half now. If the property is not sold, the City is looking to demolish the dwelling by making an application through the County's Land Bank Reutilization Program.

Councilman Somich reported that he just spoke with John Rogers, prior to this evening's meeting; Mr. Rogers is really the facilitator of the entire project when he was working for the County Treasurer, so Mr. Rogers has been really watching it go through the State of Ohio. Mr. Rogers informed Councilman Somich that the very first home in Lake County is being taken by the Land Bank Program this week; the home is located in Mentor-on-the-Lake. So the Machine is up and running, so hopefully, that is the course of action that the City will be taking.

Law Director Lobe added that the City did board the house up and place tape around it and had previously mowed the lawn to secure that property as best as it could be.

Councilman Fiebig asked the Administration if it was possible to mow the lawn before the winter, and place the cost on the property tax bill. Councilman Fiebig stated that we are walking a fine line between property rights and individual rights and the neighbors rights to live on a street that has reasonably nice homes; we are walking that fine line too, as a government. So we can see if we can do that.

LEGISLATION

ORDINANCE NO. 2013-41

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES, AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 923 – SEWER RATES, SECTION 923.01 – SEWER RATE CHARGES ESTABLISHED, SUBSECTION (c) AND SUBSECTION (d) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2013-41.

Roll Call: Reichelt-yes, Somich-yes, Biro-yes, Fellows, Fiebig-no, Germano-yes, Malecek-yes, MOTION PASSES 6-AYES/1-NAY

President Reichelt declared that the Three Reading Rule for Ordinance No. 2013-41 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Somich to adopt Ordinance No. 2013-41.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Reichelt declared that Ordinance No. 2013-41 has been adopted.

NEW BUSINESS

There was no new business brought forth to be considered by the Members of Council

FOR THE GOOD OF THE ORDER

Councilman Biro:

Wanted to thank everyone involved with the Color Run which was held this last weekend; it truly was a phenomenal experience. Councilman Biro stated that it was his first time getting involved and doesn't know how or why anyone wouldn't think that this event wouldn't be beneficial to the City; it may be an inconvenience to some but it is a great community event. Councilman Biro read the following email submitted by resident Linda Cappelli:

"I just want to put out there how proud I am of Bob Weger and Rich Harmon, the Willoughby Hills Council, Police, Fire Departments and City Workers. They have shown off our great City to the National spotlight. The Color Races raise money for local charities. Not just the money raised for charities, but to gather the largest group of volunteers to put on an event for

thousands! An event where you don't have to be an Olympic Athlete to participate and where families work together for a good cause. My Grandkids raised money for the school, All Saints as a family. What more to show off a community! It gives adults a chance to be a kid again and sort of get caught with "their hands in the cookie jar" with no consequence – clean up took less than 24 hours – amazing! I have property on Eddy Road and Chardon Road with no inconvenience and can tell you that owning a business in Mentor; the chatter has put Willoughby Hills on the map! Good job Willoughby Hills – makes us so proud!

Councilman Biro agrees with Linda; this event really brought light to our community, the businesses that were frequented in afterwards, McDonald's and everywhere, it was just amazing.

Councilman Biro:

Wanted to thank Joe Zawatski, for opening his home to a group of volunteers, supplying refreshments and Joe has been around for a while, involved with our community, Commissions and Boards and Councilman Biro give a special thank-you to Joe for hosing him down before he get into his car! Again, thank you to everyone who was involved with this special, truly great event!

President Reichelt:

Recognized the great leadership and involvement of Councilman Somich in helping to promote the Color Run and actually bringing to the City of Willoughby Hills.

Councilman Somich:

Thanked everyone for the recognition and quickly pointed out that more importantly, the City opened it arms to it, opened their arms wide and accepted it and that is what has kept it here in Willoughby Hills and has made it even bigger and better, so thanks to everybody who has supported it so much.

Deepwood Fall Fest held in Mentor Saturday, from 11-4:00pm at Deepwood in Mentor. This event benefits the Special Olympics and it is open to all families – truly an event that tugs at your heart strings.

Free Adopt-A-Thon for Pets being held at Pat O'Brien's Chevrolet, in Willoughby Hills beginning from 11-2:00pm

Councilman Fiebig:

Corn Fest Wrap-Up Meeting, there were a lot of good comments, but some changes are coming. Some focus groups were suggested; if anybody would like to participate in giving feed-back, and being part of a focus group, Councilman Fiebig would be glad to organize it and get some feed-back from the community on Corn Fest and other festivals, music festivals.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adjourn the Regular Council Meeting of September 26, 2013.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Reichelt declared the Regular Council Meeting of September 26, 2013 to be adjourned at 8:15pm

APPROVED:

October 24, 2013
Date

David A. Reichelt, P.S.

David A. Reichelt
President of Council

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council