

# City of Willoughby Hills

Council  
CHRISTOPHER L. BIRO  
NANCY E. FELLOWS  
DAVID M. FIEBIG  
FRANK A. GERMANO  
RAYMOND C. SOMICH

## Regular Council Meeting

### Minutes of April 8, 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 Pro-tem David A. Reichelt  
**Pledge of Allegiance**

#### Roll Call of Council

**Members Present:** Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Vice President David A. Reichelt, Councilman Raymond C. Somich, Councilman Christopher L. Biro

**Absent:** Councilman Frank A. Germano, President of Council Kevin D. Malecek, Law Director Thomas G. Lobe, Finance Director Joseph G. Mirtel

**Also Present:** Mayor Robert M. Weger, Todd Cipollo for Law Director Thomas G. Lobe, City Engineer Richard Iafelice, Clerk of Council Victoria Ann Savage

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilwoman Fellows to excuse Councilman Frank A. German from the Regular Council Meeting of April 8, 2010.

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that Councilman Frank A. Germano has been excused from this evening's meeting.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to excuse President Kevin D. Malecek from the Regular Council Meeting of April 8, 2010.

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that President Kevin D. Malecek has been excused from this evening's meeting.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to appoint Councilwoman Nancy E. Fellows to serve as Vice President of Council Pro-tem.

**Roll Call: 4 AYES – with Councilwoman Fellows abstaining**

**MOTION PASSES**

**President Pro-tem Reichelt declared that Councilwoman Nancy E. Fellows will serve as Vice-President Pro-tem for this evening's meeting.**

#### PRESENTATION

**A Resolution honoring George J. Kraincic for his many years of service to the City of Willoughby Hills was presented to his daughter Diane Kraincic.**

**Disposition of the Journal**     **Regular Council Meeting of March 25, 2010**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of March 25, 2010.

**Roll Call:     5 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the Regular Council Meeting Minutes of March 25, 2010 have been approved as submitted.**

***Correspondence***

- Mayor's Monthly Report for March 2010
- City Engineer's Status Report for April 2010 (email: 04/05/10)
- Clerk of Council to Safety/Service Director and the Members of Council, dated April 5, 2010 re: Liquor Permit Transfer C TRFO 4965156

***Notifications***

- Board of Building and Zoning Appeals Meeting of April 13, 2010
- Board of Building and Zoning Appeals Public Hearing for Case No. 2010-1
- Planning and Zoning Commission & Architectural Board of Review Meeting of April 1, 2010
- Rules & Legislation Meeting of April 5, 2010 (email: 04/01/10)

***Minutes***

- Rules and Legislation Committee Meeting of March 25, 2010
- **Rules and Legislation Committee Meeting of April 5, 2010 (email: 04/06/10)**

***On File***

- Willoughby Hills Senior Center Activities for April 2010, Issue Number 4

**MAYOR'S REPORT – Robert M. Weger**

- City-Wide Trash/Recycling Program – begins April 1<sup>st</sup> /Billing for First Quarter/ Recycling every other week
- Fowler Road Project Update
- Mulch available for residents
- Maple Grove Slope Repair – Ordinance No. 2010-14
- Veteran's Memorial Brick Sale
- Construction beginning for Gale's Farm Market
- Plain Dealer/News Herald – Advised residents to please call the Plain Dealer and/or News Herald to stop the delivery of free supplemental newspapers
- Thanked the AARP for providing free assistance with Federal and State Income Taxes
- Save the Dates:
  - Saturday, April 17th  
Early Childhood Nearly New Sale
  - Wednesday, June 16th  
United Way – Day of Caring: (2) projects within the City – Painting a House and Constructing a Shed for two senior citizens
  - Sunday, June 20th  
Captain's Game Day – Willoughby Hills Day

**LAW DIRECTOR'S REPORT – Todd D. Cipollo, L.P.A.**

- Todd Cipollo reported that there was no Formal Report; however, he would be available for any questions Council may have

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

- Finance Director Mirtel was absent; therefore no Formal Report was given.

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

- Referenced Status Report
- Assessment Area “C” – Update
- Public Meetings –scheduled for May 10<sup>th</sup> and May 12<sup>th</sup>; Public Notices sent to affected home owners
- Utilities Committee Meeting should be scheduled to discuss lateral connections and to manage the inspections
- Maple Grove Slope Failure Project – Ordinance No. 2010-14
- SOM Center Signalization Project – Update
- Service Committee Meeting should be scheduled to discuss Driveways/Culverts and Drainage

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

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

- The Finance Committee has not met; therefore no Formal Report was given.
- Finance Chairman Somich announced that he is still in the process of choosing a date, prior to the next Regular Council Meeting, for a “Brain-Storming” Session to provide discussion of creative financing options.

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

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

- The Planning & Zoning Committee has not met; therefore no Formal Report was given.
- Requested the Members of Council to review the Master Plan for there will be a Planning & Zoning Committee Meeting scheduled.

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

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

- The Recreation Committee has not met; therefore no Formal Report was given.
- Chair attended the last Recreation Meeting; there is to be transfer of funds from the Pancake Breakfasts held during the month of March into Fund #460
- Announced that Girls and Boys Softball leagues are beginning

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

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

- In the absence of Chairman Malecek, President Pro-tem Reichelt presented the Rules & Legislation Meeting Minutes of April 5, 2010.

### **COMMITTEE MEETING APRIL 5, 2010**

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

**Also Present:** Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Mayor Robert M. Weger

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

**Meeting convened at 6:35 p.m.**

### ***Order of Business***

#### **Ordinance 2010-14: Maple Grove Slope Failure Contract**

Ten bids – lowest was accepted by Mr. Excavator. Large range of bids – all know what the Engineer's estimate is – some are way over the 10% of the estimate. 11 subcontractors for Mr. Excavator. Will be some travel impacts in the Maple Grove area – double checked referenced.

**Recommendation to waive Three Reading Rule and Adopt at Thursday's meeting**

**Ordinance 2010-15: Law Enforcement Grants Fund Addition to Code**

Make a new Fund for Law Enforcement Grant – going to bid out grants in caution – like to have the funds so it does not get lost in the General Fund- anytime we do get a Grant – it gets easier to account for. Auditor advised the City to do this. Should perhaps have one for Fire as well. Need Ordinance – then approved by State. Matching and no matching funds.

**Recommendation to waive Three Reading Rule and Adopt at Thursday's meeting****Ordinance 2010-16: Keep current Composition of Bishop Road**

Could read three times anyway – gave to Highland Heights and Richmond Heights. 2<sup>nd</sup> Whereas Clause replace “otter” with “other.” **Will remain on First Reading on Thursday – review by Law Director.**

**Bids for In-Car Camera Systems** - \$55,000 grant – advertise for bids at Thursday's meeting. Both projects for bids at Thursday's meeting we have Grants for (Grant from NOPEC for HVAC – boilers).

Need to explore ways to reduce paper for the Council and for the City in general. Work on Resolution to reduce paper – look at Federal Paperwork Reduction Act.

Future Planning and Zoning meeting on the Master Plan. Recreation Commission looking to transfer Funds from Pancake Breakfast.

***Public Portion***

Robert Kowalsky – 50% - 40 years old – maybe 84 – standing pilot – two pipes – reverse return. Three pumps on it – three zones. If you are doing something – you should do it right. How much to bring old boilers back up – only gaining 10 percent not 8. Pumps go bad – have a spare in your basement – know its free money – to save energy. Not putting more money into the HVAC system that it is out there. State here HVAC – not what the grant was for – want you to get your air conditioning fixed. True statement of what it is – that's what I think should happened. All this activity with the airport – no discussion out in the open. Lobe doing his time – making up letters – now you are going to have some kind of legislation. No one discussed anything. No discussion – nothing right. Meetings you are holding – those meetings shouldn't be held in a little place. Whole lot more people – aren't notifying them for nothing – if you had any interest for people in this City – you would be telling them to do it. Reichelt: What is the size of the room we meet in? Kowalsky: one dozen chairs sitting on the left for the public. Big horseshoe bar of tables and chairs. No all set up. How many would come? How many regularly come to this meeting. You don't tell anybody this meeting is happening – aren't you going to fit.

The meeting where the meeting is held – announced at this body – what more the individual wants about this.

**Meeting adjourned at 7:04 p.m.**

**SAFETY – David A. Reichelt, Chair****Committee Members:****Christopher L. Biro, David M. Fiebig**

- The Safety Committee has not met; therefore no Formal Report was given.

**SERVICE – Christopher L. Biro, Chair****Committee Members:****Nancy E. Fellows, Frank A. Germano**

- The Service Committee has not met; therefore no Formal Report was given.
- Announced that a Meeting will be scheduled to discuss the topic of Driveways/Culverts and Drainage

**UTILITIES – Frank A. Germano, Chair****Committee Members:****Nancy E. Fellows, Raymond C. Somich**

- Chairman Germano was absent; President Pro-tem Reichelt reported that the Utilities Committee has not met; therefore is no Formal Report.

**PERSONNEL RELATIONS – Christopher L. Biro, Chair****Committee Members:****Raymond C. Somich, Mayor Robert M. Weger**

- The Personnel Relations Committee has not met; therefore no Formal Report was given.

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

- The Working Committee of Council has not met; therefore no formal report was given.

## **OTHER COUNCIL REPRESENTATIVE REPORTS**

- President Pro-tem Reichelt, serving as the City's Representative and the Chairman of the Noise Abatement Council, presented the following report pertaining to the Noise Abatement Council Meeting held Wednesday, March 31, 2010:

The Meeting was attended by most of the tenants of the Airport, the airport tower manager, the airport manager and representatives from various local governments in the area, including Willoughby Hills, Richmond Heights and Highland Heights.

The Joint Statement affirming the existence of the new Noise Abatement Program is nearing unanimous execution by the airport tenants. After that step is completed, the three member municipalities and the Cuyahoga County Commissioners will execute it, after which the program will be in effect.

Once the Joint Statement is executed, government and private airport directories and reference sources will be updated, the airport will publicize the existence of the program in other publications and information sources, signage in and around various areas of the airport will be installed, the pilots of arriving and departing aircraft will be advised of the program, and the details of the noise complaint procedure will be finalized and publicized.

Other business transacted at the meeting included:

1. Noise complaints for the past year were reviewed;
2. It was agreed to invite local helicopter operators to future meetings;
3. Possible improvements to the airport's website were discussed;
4. The public was afforded the opportunity to voice their comments.

The Next Meeting will be held on June 30, 2010.

The following are some of the major accomplishments since May 2009:

1. The Noise Abatement Council now meets quarterly instead of semi-annually;
2. Meetings are now well attended;
3. A noise abatement procedure for pilots has been adopted;
4. A graphic depiction of noise complaint origination has been established;
5. A formal noise complaint handling procedure is being developed;
6. The "Joint Statement/Agreement" to formalize the existence of the Noise Abatement Program is soon to be finalized;
7. The Council is now getting more participation from neighboring communities.

## **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 7:30p.m.**

1. **Linda Fulton**  
**2990 Marcum Boulevard**  
**Re: Is there an Airport Advisory Committee? Clarify Ordinance No. 2010-16**
2. **Robert Kowalsky**  
**2585 Timberline Drive**  
**Re: Recognized the many accomplishments of former Councilman George Kraincic**

**Public Portion was closed at 7:34 p.m.**

## **UNFINISHED BUSINESS**

- Councilman Somich stated ironically that the two questions that were asked actually relate to Ordinance No. 2010-16 as it pertains to the positioning of Bishop Road relative to the proposed Airport Expansion, so that is actually the work of the Committee and the work done by of all of Council to try to take further action to make sure that the City is in the best preventative position for any further expansion of the Airport.
- President Pro-tem Reichelt responded by saying that t Committees or Ad-Hoc Committees must be re-instated at the Organizational Meeting held everyone two years, so as a matter of formality that Ad-Hoc Committee does not exist at this point. The Rules and Legislation Committee is addressing Ordinance No. 2010-16.

## **LEGISLATION**

### **ORDINANCE NO. 2010-14**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO CONTRACT WITH MR. EXCAVATOR, INC. FOR THE MAPLE GROVE ROAD SLOPE FAILURE IMPROVEMENTS AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2010-14.

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the Three Reading Rule for Ordinance No. 2010-14 has been suspended.**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Somich to adopt Ordinance No. 2010-14.

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that Ordinance No. 2010-14 has been adopted.**

### **ORDINANCE NO. 2010-15**

**AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – DEPARTMENT OF FINANCE, BY THE ADDITION OF A NEW SECTION 135.34 – LAW ENFORCEMENT GRANTS FUND OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2010-15.

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the Three Reading Rule for Ordinance No. 2010-15 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Biro to adopt Ordinance No. 2010-15.

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that Ordinance No. 2010-15 has been adopted.**

### **ORDINANCE NO. 2010-16**

**AN ORDINANCE ASSERTING THE CITY OF WILLOUGHBY HILLS' LEGAL RIGHT TO KEEP BISHOP ROAD AS IT NOW EXISTS, FREE FROM APPROPRIATION ON A BASIS OF A RIGHT WHICH IS EXPRESSED SPECIFICALLY WITHIN THE FRAME OF SECTION III, ARTICLE 18 OF THE OHIO CONSTITUTION.**

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**President Pro-tem Reichelt declared that Ordinance No. 2010-16 would remain on First Reading.**

## **NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Biro to authorize the Mayor to seek bids for In-Car Video Systems for the Police Department.

**The Mayor stated that this is based on a Grant in the amount of \$54,000, because it is over \$25,000 bids need to be taken.**

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the Mayor is authorized to advertise for bids for In-Car Video System for the Police Department.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Somich to authorize the Mayor to seek bids for Boilers/Air Conditioning for City Hall Complex.

**Mayor stated that the funding for this is from a Grant in the amount of \$109,000 from NOPEC for the conservation of energy.**

**Councilman Fiebig requested further clarification in that this is a replacement of a non-functioning unit. The Mayor stated that this is a replacement of a non-functioning air conditioning unit and then an upgrade of the boilers to be fuel efficient. Councilman Fiebig stated that the boilers were about 40 years old.**

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the Mayor is authorized to advertise for bids for HAVC System which contains Boilers/Air Conditioning for City Hall Complex.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to authorize the Mayor to set fees for the usage of baseball fields Roemisch and Campbell, \$25.00 for a practice field and \$50.00 for a dressed and prepared field.

**The Mayor stated that this is a fee for anybody that is not a baseball league that is associated with the City, so currently we have the Girl's Softball League which is run by the City, we also have the Boy's Baseball League which is also run by the City now and they are exempt from that, and anyone else whether you are a resident or a non-resident, the fees would apply, if we have the space available for our two leagues take precedence. Fees are comparable to what other municipalities are charging.**

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the Mayor is authorized to charge fees for the usage of baseball fields Roemisch and Campbell, \$25.00 for practice field and \$50.00 for dressed and prepared field.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilwoman Fellows to approve the renewal of the application of Paul Penfield for placement of 27 acres, (identified and referenced within Forest Stewardship Management Plan, dated September 7, 2007), in an Agricultural District. .

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the application of Paul Penfield for placement of 27 acres, (identified and referenced within Forest Stewardship Management Plan, dated September 7, 2007), in an Agricultural District has been approved.**

**President-Pro-tem Reichelt stated that with respect to the abovementioned Motion of Council to approve the Renewal of the Application of Paul Penfield; a Public Hearing was held on March 25, 2010 as required by law with no objections made to the application.**

## **FOR THE GOOD OF THE ORDER**

- Mayor Weger congratulated Councilman Somich and his wife, Mary Jo on the birth of their first grandson, Jonathan, Jr.
- President Pro-tem Reichelt announced that the Lake County Captain's opened their season this evening.

**ADJOURNMENT**

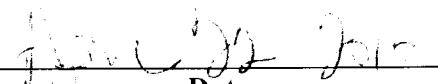
**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Somich to adjourn the Meeting.

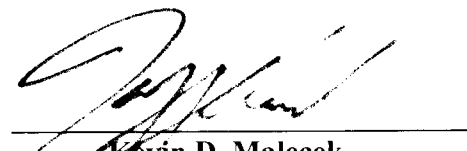
**Roll Call: 5 AYES – unanimous**

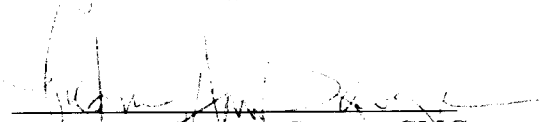
**MOTION PASSES**

**President Malecek declared that this Meeting of Council is adjourned.**

**Meeting adjourned at 7:45 p.m.**

**APPROVED:**   
Date

  
Kevin D. Malecek  
President of Council

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