

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 22, 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: 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, Councilwoman Nancy E. Fellows

Absent: Finance Director Joseph G. Mirtel

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

Disposition of the Journal **Regular Council Meeting of April 8, 2010**

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of April 8, 2010.

Roll Call: 5 AYES – w/Councilman Germano and President Malecek abstaining

MOTION PASSES

President Malecek declared that the Regular Council Meeting Minutes of April 8, 2010 have been approved as submitted.

Correspondence

- **Email:** Clerk of the Planning & Zoning Commission to Members of Council, dated April 8, 2010, **Subject:** Master Plan – Willoughby Hills 3-3-10
- **Email:** Assistant Finance Director Debbie Doles to Members of Council, dated April 12, 2010, **Subject:** Financial Reports for the Month of March 2010, consisting of: Purchase Orders, Cash Reconciliation, Fund Change Analysis, Bank Report, Fund Reports (MTD and YTD), Current Expense Report and Revenue Report
- **Email:** Clerk of Council to Members of Council, dated April 12, 2010, **Subject:** MTD/YTD Revenue Report and YTD Fund Report for the Month ending March 2010
- **Email:** Law Director Thomas G. Lobe to Members of Council, dated April 15, 2010, **Subject:** Letter from Law Director to Cuyahoga County Prosecutor's Office
- **Email:** Clerk of Council to President of Council Kevin D. Malecek, dated April 15, 2010, **Subject:** Letter from Broadwater April 15, 2010
- **EMAIL:** CLERK OF COUNCIL, ON BEHALF OF THE LAW DIRECTOR, DATED APRIL 22, 2010, **SUBJECT:** PLAIN DEALER OPINION – BURKE

- **EMAIL: REPRESENTATIVE LORRAINE M. FENDE TO CITY OF WILLOUGHBY HILLS, DATED APRIL 21, 2010, SUBJECT: APRIL 27TH PUCO PUBLIC HEARING AT LAKE LAND**

Notifications

- Finance Committee Meeting of April 17, 2010, (Emailed: April 16, 2010)
- Planning and Zoning Commission & Architectural Board of Review Meeting of April 15, 2010, (Emailed: April 12, 2010)
- Rules & Legislation Meeting of April 19, 2010 (Emailed: April 13, 2010 and April 14, 2010)
- Service Committee Meeting of April 19, 2010 (Emailed: April 13, 2010 and April 14, 2010)
- Utilities Committee Meeting of April 19, 2010 (Emailed: April 13, 2010 and April 14, 2010)

Minutes

- **Finance Committee Meeting of April 17, 2010 (Emailed: April 22, 2010)**
- Planning & Zoning Commission and Architectural Board of Review Meeting of March 3, 2010 (Emailed: April 8, 2010)
- Planning & Zoning Commission and Architectural Board of Review Meeting of March 18, 2010 (Emailed: April 8, 2010)
- **Rules and Legislation Committee Meeting of April 19, 2010 (Emailed: April 20, 2010)**
- **Service Committee Meeting of April 19, 2010 (Emailed: April 20, 2010)**
- **Utilities Committee Meeting of April 19, 2010**

On File

- Willoughby Hills Senior Center Activities for April 2010, Issue Number 4
- **MAYOR ROBERT WEGER TO COUNCIL CLERK, DATED APRIL 20, 2010, SUBJECT: MOTION FOR JOINT STATEMENT FOR CUYAHOGA COUNTY AIRPORT (EMAIL: APRIL 21, 2010)**
- **RECREATION COMMISSION CLERK TO MAYOR WEGER, DATED APRIL 22, 2010, SUBJECT: FUND TRANSFER (EMAILED: APRIL 22, 2010)**

MAYOR'S REPORT – Robert M. Weger

- Citywide Trash and Recycling Project – Update on Republic Services
- Assessment Area “C” – Road Paving
- 91 Signalization Project
- Maple Gove Slope Repair Project
- Girls Softball and Boys Baseball Teams
- Service Department accepting old computers and printers
- United Way of Lake County – Participation Award
- Thanks to our baseball and softball sponsors: WH Lions, WH Auto Repair, Dynamic Duo, Premier Paint, Slim & Fit, Skoopy Doo's Soda Shop, Animal Hospital and Pat O'Brien Chevrolet
- Congratulations to South Acadec Members going to National in Omaha, Nebraska
- Pavilion Rentals now being accepted for summer picnics – resident fee \$25.00
- Save the Dates:
 - Saturday, June 5th
Shred Day in Willoughby Hills from 9:00 a.m. to Noon – 3 boxes per resident permitted
 - 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 – Thomas G. Lobe, L.P.A.

- Working with Cuyahoga County Prosecutor regarding Public Records Request
- Referenced Plain Dealer Opinion regarding Burke Airport as submitted by Tony Coyne a Member of the Cleveland Planning Commission

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.

- Ordinance No. 2010-17 – Chapter 909 – Driveway Culverts and Drainage
- Service Department working on Stark Drive
- Pre-Construction Meeting pertaining to Maple Grove Slope Failure and SOM Center Project (ODOT)
- Assessment Area “C” – Update
- Follow-Up proposed changes to Chapter 921 – Central Sanitary Sewers, Section – 921.01 – Rules for House Service Connections, (o) Inspection Fee

FINANCE – Raymond C. Somich, Chair**Committee Members:****Nancy E. Fellows, David M. Fiebig****COMMITTEE MEETING APRIL 17, 2010****Members Present: Raymond C. Somich, Chair, Councilman David M. Fiebig****Also Present: Councilman Christopher L. Biro, President Kevin D. Malecek, Councilman David A. Reichelt, Mayor Robert M. Weger, Law Director Thomas G. Lobe****Purpose of the Meeting was to discuss City Finances and any other business.****Meeting convened at 8:40 a.m.*****Order of Business***

1. Meeting was called to discuss options to generate new or increased areas of revenue and to decrease expenses. We operated with a “brainstorming” mentality and had no intent to make firm recommendations or decisions at this meeting.
2. The Committee first held a creative session on possible new revenue generators, such as advertising and sponsorships.
3. The Committee discussed a variety of traditional municipal revenue sources.
4. The Committee discussed ways to help businesses grow, and to incentivize new businesses or new hires for existing businesses. More research will follow on benefits already available in some areas of the City.
5. The Committee discussed some more areas to possibly decrease expenses.
6. These discussions will continue in future meetings and recommendations will eventually be made to City Council and the Administration.

Public Portion**Public portion commenced at 11:55 and no one spoke.****Meeting adjourned at 12:02 p.m.**

- Announced that the Finance Committee will meet to discuss the Financial Reports for March.

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.

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.
- Clerk of the Recreation Commission has requested the profits from Christmas Card Lane for 2009 and the Pancake Breakfasts be transferred into Account #460; legislative action to follow.

RULES & LEGISLATION – Kevin D. Malecek, Chair**Committee Members:****Frank A. Germano, David A. Reichelt****COMMITTEE MEETING APRIL 19, 2010****Members Present:** President Kevin D. Malecek, Chair, Councilman Frank A. Germano, Councilman David A. Reichelt**Also Present:** Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Mayor Robert M. Weger**Purpose of the Meeting was to discuss Pending Legislation and any other business.****Meeting convened at 7:10 p.m.*****Order of Business*****Ordinance 2010-16:** Keep current composition of Bishop Road
Will remain on Second Reading at Thursday's meeting**Ordinance 2010-17:** Driveway Culverts and Drainage

Just heard and recommended in Service Committee – some minor (grammatical changes) necessary.

Recommendation to waive Three Reading Rule and Adopt at Thursday's meeting**Resolution 2010-2:** Honoring Al Taddeo**Recommendation to waive Three Reading Rule and Adopt at Thursday's meeting*****Public Portion***

Robert Kowalsky - You are going to see LaTourette – offering a million bucks – put those two things together on Thursday – where is Mr. Fiebig on this one. This is what you got out of Saturday – early bird gets the worm – and what about the paperwork stuff. You were reading something and you have to change it – copies of the wrong part – come across with the packet – do you know if there is a mechanism to take care of that. Now she doesn't have to do it. You amend it – doesn't use that – different ways – get that sewer thing done – a million and a half dollars.

Meeting adjourned at 7:16 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****COMMITTEE MEETING APRIL 19, 2010****Members Present:** Councilman Christopher L. Biro, Chair, Councilwoman Nancy E. Fellows, Councilman Frank A. Germano**Also Present:** Councilman David A. Reichelt, Mayor Robert M. Weger, City Engineer Richard Iafelice**Purpose of the Meeting was to discuss Chapter 909 – Driveway Culverts and Drainage and any other business.****Meeting convened at 6:47 p.m.*****Order of Business***

Driveway Culverts and Drainage: City Engineer Rich Iafelice gave short history of Section 909 from Street, Utilities and Public Service ordinances and its purpose to establish fees by City to install drainage pipes. Culvert fees were established by Service Department. Rich also suggested that 909.01(b) "ten" inch pipe changed to "12" inch pipe and that the reference of "Building Inspector" throughout 909 be changed to "Director of Public Service. Also suggested that 909.02 be deleted in its entirety.

Mayor Weger commented that culvert pricing should not be City responsibility and that homeowner should be responsible for installation and costs following 909.01 specifications.

Consensus of Committee to forward 909 changes to Council by way of Ordinance 2007-17.***Public Portion***

The following people came forth with questions/comments: Frank Cihula, Linda Fulton and Bob Kowalski presented commentary about above subjects.

Meeting adjourned at 7:09 p.m.

UTILITIES – Frank A. Germano, Chair

Committee Members:

Nancy E. Fellows, Raymond C. Somich

COMMITTEE MEETING APRIL 19, 2010

Members Present: Councilman Frank A. Germano Chair, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Mayor Robert M. Weger

Purpose of the Meeting was to discuss Lateral Installation Program and the Sewer Lateral Inspection Process & Charges and any other business.

Meeting convened at 6:01 p.m.

Order of Business

Discussed Chapter 921.01 – Brief history of inspections; changing deposit of \$400 to \$250; set fee to save cost for the City. Consensus of the Committee to send changes to legislation.

Discussed contractors, requirements, and homeowners and partial payment of assessment

Public Portion

Public Portion opened at 6:40 p.m.

Robert Kowalsky questioned why the City is changing the deposit to fee; Frank Cihula commented no money back from deposit

Meeting adjourned at 6:44 p.m.

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

- 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 7:17 p.m.

1. Robert Kowalsky

2585 Timberline Drive

Re: Public Records Request; Pending Legislation; Raising Taxes; Section 909 and Section 921.01 – Changing a deposit to a fee

Public Portion was closed at 7:21 p.m.

UNFINISHED BUSINESS

- There was no unfinished business brought forth to Council.

LEGISLATION

ORDINANCE NO. 2010-16 – SECOND READING

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.

President Malecek declared that Ordinance No. 2010-16 would remain on Second Reading.

ORDINANCE NO. 2010-17

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE ONE – STREET AND SIDEWALK AREAS, CHAPTER 909 – DRIVEWAY CULVERTS AND DRAINAGE, SECTION 909.01 – CONSTRUCTION OF DRAINAGE FACILITY PIPE AND SECTION 909.02 – FEES FOR PIPE INSTALLATION AND MATERIALS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2010-17.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2010-17 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2010-17.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2010-17 has been adopted.

RESOLUTION NO. 2010-2

A RESOLUTION OF APPRECIATION TO ALMINO TADDEO FOR 34 YEARS OF DEDICATED SERVICE TO THE CITY OF WILLOUGHBY HILLS AND TO THE COMMUNITY OF LAKE COUNTY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2010-2.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Resolution No. 2010-2 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Somich to adopt Resolution No. 2010-2.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Resolution No. 2010-2 has been adopted. President Malecek requested that the Resolution be presented to Alminio Taddeo at the Regular Council Meeting of May 27, 2010.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Somich to authorize the Mayor to sign the Joint Statement by and between the Board of Cuyahoga County Commissioners, Airport Administration, Federal Aviation Administrations' Air Traffic Control Facility and Airport Tenants and Users.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Mayor is authorized to sign the above mentioned Joint Statement on behalf of the City of Willoughby Hills.

FOR THE GOOD OF THE ORDER

- Councilman Somich announced that the International Student Club at Lakeland community College will be presenting the Seventh Annual International Folk Festival on Saturday, April 24th from 2 to 5 p.m. in the Lakeland Community College Performing Arts Center.
- Councilman Somich announced that the Lake County Council on Aging will hold the Annual Senior Show on May 11th at the Greats Lake Mall from 9:00 a.m. to 3:00 p.m.

ADJOURNMENT

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


Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that this Meeting of Council is adjourned.

Meeting adjourned at 7:30 p.m.

APPROVED: 11/13/10
Date



Kevin D. Malecek
President of Council

ATTEST: [Signature]
Victoria Ann Savage, CMC
Clerk of Council