

City of Willoughby Hills

Regular Council Meeting

Minutes of April 9, 2009

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. Regular Meeting of Council Called to Order by President Council

Pledge of Allegiance

Roll Call of Council

Members Present: Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, Vice President David A. Reichelt, President Kevin D. Malecek

Absent: Councilman Christopher L. Biro, Councilman Raymond C. Somich
Law Director Thomas G. Lobe, Finance Director Joseph G. Mirtel

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

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to excuse Councilman Raymond C. Somich.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that Councilman Raymond C. Somich has been excused from the Regular Council Meeting of April 9, 2009.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to excuse Councilman Christopher L. Biro.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that Councilman Christopher L. Biro has been excused from the Regular Council Meeting of April 9, 2009.

Disposition of the Journal Regular Council Meeting of March 12, 2009

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to approve the the Regular Council Meeting Minutes of March 12, 2009 as submitted.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that the Regular Council Meeting Minutes of March 12, 2009 have been approved as submitted.

Regular Council Meeting of March 26, 2009

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to approve the Regular Council Meeting Minutes of March 26, 2009 as submitted.

Roll Call: 4 AYES with President Malecek abstaining

President Malecek declared that the Regular Council Meeting Minutes of March 26, 2009 have been approved as submitted.

Correspondence

- Thomas W. Ruffner, Mayor/City of Wickliffe to Mayor Robert Weger, dated March 27, 2009 re: No Turn on Red Issue on Bishop Road
- Mayor's Monthly Report for March 2009
- Letter from Ohio Ethics Commission, dated April 1, 2009 re: 2008 Financial Disclosure Statement Filing Deadline
- City Engineer's Status Report for April

Notifications

- Board of Building & Zoning Appeals: No Appeals were received; therefore the Building & Zoning Appeals will not meet April 14, 2009
- Personnel Relations Committee Meeting of April 6, 2009
- Planning and Zoning Commission & Architectural Board of Review Meeting of April 2, 2009
- Rules & Legislation Committee Meeting of April 6, 2009
- Service Committee Meeting of April 6, 2009

Minutes

- Recreation Commission Meeting of February 3, 2009
- ***Rules and Legislation Committee Meeting of April 6, 2009***
- ***Service Committee Meeting of April 6, 2009***
- ***Utilities Committee Meeting of March 30, 2009***

On File

- Thank-You Letter received from Mrs. Karen Zak, dated March 30, 2009 re: Willoughby Hills Zip Code

MAYOR'S REPORT – Robert M. Weger

Mayor's Report consisted of the following topics:

Services

- City Credit Rating /Bond – A2 Confirmation
- 2006 State Audit
- Willoughby Hills Edition – last issue April
- Public Form – April 27th and April 28th for Issue 1 - Initiative Petition – Rezoning Question
- Summer Sprinkling Program Applications deadline April 30th – information available on City Website
- WH Lion's Club Scholarship Applications available on City Website – due date April 15th

Acknowledgements

- Building Safety Week – May 3rd through May 9th
- April - National Occupational Therapy Month

Events

- WHISPER Program – Clean Up Day for Seniors scheduled for Saturday, April 25th
- Special Election – Tuesday, May 5th – District I and District III will be voting at the Willoughby Hills Community Center
- Willoughby Hills Day at Lake County Captains Stadium scheduled for Flag Day, Sunday, June 14th
- Willoughby Hills Cornfest to be held on September 12th and 13th

LAW DIRECTOR'S REPORT – Todd Cipolo attending for Law Director Thomas G. Lobe, L.L.P.

- No formal report was given; open to any comments or questions.

FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel

- Finance Director was not in attendance; therefore, no formal report was given.

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

- Referenced Status Report
- Green Ridge SSES Program – Drafting Public Information
- Progress of Stark Drive Pump Station – easement required for generator
- Stimulus Project and Reporting Requirements
- ODOT – Extent of Involvement
- Lake County Stormwater Management – Lamplight Lane Retention Project
- Assessment Area C – Review Assessment Methodology
- Adoption of Resolution of Necessity
- Illicit Discharge and Illegal Control Ordinance No. 2009-29

COMMITTEE REPORTS

FINANCE – Raymond C. Somich, Chair

Committee Members: Nancy E. Fellows, David A. Reichelt

Councilman Somich was not in attendance; therefore, no formal report was given.

PLANNING & ZONING – David A. Reichelt, Chair

Committee Members: David M. Fiebig, Frank A. Germano

The Planning & Zoning Committee has not met; therefore no formal report was given.

RECREATION – David M. Fiebig, Chair

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

The Recreation Committee has not met; therefore no formal report was given.

RULES & LEGISLATION – Kevin D. Malecek, Chair

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

COMMITTEE MEETING OF APRIL 6, 2009

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

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

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

Meeting convened at 8:45 p.m.

Order of Business

Ordinance 2009-11: Recreation Fees Ordinance

Remains on Third Reading at the next council meeting.

Ordinance 2009-12-17: Zoning Code Amendments

Remains on Second Reading at the next Council meeting. Public Hearing at April 23rd meeting.

Ordinance 2009-26: Creation of Garfield Fund

Creating fund way to account for the money from year to year – if we don't have one, erases every year and starts over – things we want to track on ongoing basis – Area C funds – track the costs and don't disappear.

Consensus of committee to waive Three Reading Rule and adopt at Council.

Ordinance 2009-27: IT Support Contract

All IT support in city hall – contract had for last year – expired first of the month – two days a week here, support via paying for it – does not mandate for two days here – set up with infrastructure downstairs, can do things remotely.

Resources of whole company. Same price as it was – different concept.

Consensus of committee to waive Three Reading Rule and adopt at Council.

Ordinance 2009-28: Sewer Enterprise Fund

Setting up same concept – accounting structure for the new Area C project.

Consensus of Committee to waive Three Reading Rule and adopt at Council.

Resolution 2009-5: Building Safety Week

Consensus of committee to waive Three Reading Rule and adopt at Council.

Resolution 2009-6: National Occupational Therapy Association Month.

Consensus of Committee to waive Three Reading Rule and adopt at Council.

Public Portion

Meeting adjourned at 8:53 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 – Nancy E. Fellows, Chair

Committee Members: Christopher L. Biro, Frank A. Germano

COMMITTEE MEETING OF APRIL 6, 2009

Members Present: Chair Nancy E. Fellows, Councilman Christopher L. Biro, Councilman Frank A. Germano

Also Present: President Kevin D. Malecek, Councilman David A. Reichelt, Councilman David M. Fiebig, Mayor Robert M. Weger, City Engineer Richard Iafelice

Purpose of the Meeting was to discuss: (1) Trash/recycling (2) Illicit Discharge and Illegal Connection and any other business.

Meeting convened at 6:35 p.m.

Order of Business

Illicit Discharge and Illegal Connection – Welcome to guest Amy Brennan Director Chagrin River Watershed Partners. Overview of the legislation keeping in line with our storm water management. This regulation is all water quality driven. It is the part of the permit concerning discharge of surface water to our water systems or illegal connections. It is the right for the City, Health Department, or Lake County Storm Water Management Department to manage and rectify anyone not in compliance. Legislation gives the City the right to find and remediate the systems. Lake County Health Department is the inspector (that monitors and inspect) acting in capacity with the Lake County Storm Water department under control measure #3. Service Department provides timely reports that we are in compliance of this regulation.

Recognizes off-lot discharging systems, once permit is in place, these lots will need to be in compliance.

What is the incentive to fix the problem? Generally residents are willing to comply. Worst scenario would be a visit to court.

Under Responsibility for Administration, the Service Committee suggests to Council that the Mayor of the City of Willoughby Hills, and his or her designee and/or the Lake County Storm Water Management Department shall administer...

Under Administrative Hearing – Service Committee suggests Storm Water Coordinator and Building Commissioner man the hearing

Trash / Recycle Project – Welcome to guest Tony, from Waste Management. Lengthy discussion on project. Need to determine which bid specks? Recommendation from Service Committee to Committee Members, Council Members, and public to provide bid specs to Gloria Majeski for tabulation. Look toward the Mayor to go out for bids.

Public Portion

Illicit Discharge:

Frank Cihula– comments concerning BZA and Planning Commission being removed from hearing process.

Bob Kowalsky – suggests that City should just be *monitoring* illicit discharge and illegal discharge. We should advise our residents how to be in compliance.

Trash / Recycle Project:

Bob Kowalsky – Inquire about pricing and providers.

Joyce Grady – Questions concerning pricing. Prefer not to be told what to do.

Frank Cihula – Question using plastic bag for recycling and weight of the contents?

Cheryl Ota - How many on the Mayor's street did you survey? Why doesn't Waste Management charge the same? Volume drives the cost down.

Meeting adjourned at 8:40 p.m.

UTILITIES – Frank A. Germano, Chair

Committee Members: Nancy E. Fellows, Raymond C. Somich

COMMITTEE MEETING OF MARCH 30, 2009

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

Also Present: Councilman David M. Fiebig (8:15 p.m.), Councilman David A. Reichelt (8:10 p.m.), Mayor Robert M. Weger, City Engineer Richard Iafelice

Purpose of the Meeting was to Sanitary Sewer Project – Assessment Area C and any other business.

Meeting convened at 8:02 p.m.

Order of Business

Discussed the Sewer for White Road, west of creek to Richmond Heights line.

Discussed comparison rate between Cuyahoga County Sewer and Euclid Sewer. Cuyahoga County Sewer offered 20% discount, but still Euclid is less expensive.

Possible May for plans/design rap up

Consensus of the Committee was to abandon going to Cuyahoga County Sewer and plan to build a Pump Station to the Euclid Sewer also, to change the Area back to Assessment C.

Public Portion

Public Portion opened at 8:39 p.m.

Frank Cihula – questioned where the Pump Station would go

Bob Kowalsky – how deep to go under creek; asked about inverted siphon system; why no rate increase to Euclid?

Meeting adjourned at 8:49 p.m.

PERSONNEL RELATIONS – Christopher L. Biro, Chair

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

Councilman Biro was not in attendance; therefore, no formal report was given.

President Malecek reported that the Personnel Relations Committee did meet in Executive Session on April 6th to discuss compensation issues.

WORKING COMMITTEE OF COUNCIL – David A. Reichelt, President Pro-tem

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

OTHER COUNCIL REPRESENTATIVE REPORTS

There were no “**Other Council Representative Reports**” brought forth by the Members of Council.

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 7:27 p.m.

1. Robert Kolwasky
2585 Timberline Drive

Re: Accounts 251 and 291; Ordinance No. 2009-29

Public Portion was closed at 7:31 p.m.

UNFINISHED BUSINESS

- President Malecek passed the gavel to Vice President Reichelt in order to address Mr. Kowalsky's concerns and issues with Funds 251 and 291.
- Vice President Reichelt returned the gavel to President Malecek and provided additional commentary with respect to funds 251 and 291.

LEGISLATION

ORDINANCE NO. 2009-11

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES & PUBLIC SERVICES, TITLE FIVE – OTHER PUBLIC SERVICES, CHAPTER 941 – USE OF PUBLIC PROPERTY OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

President Malecek declared that Ordinance No. 2009-11 will remain on Third Reading.

ORDINANCE NO. 2009-12

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – CODE ADMINISTRATION, CHAPTER 1111 – DEVELOPMENT PLAN REVIEW PROCEDURES, SECTION 1111.05 – MINOR ALTERATIONS REVIEWED BY ZONING ADMINISTRATOR OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Malecek declared that the Ordinance No. 2009-12 will remain on Second Reading.

ORDINANCE NO. 2009-13

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – CODE ADMINISTRATION, CHAPTER 1117 – APPEALS AND VARIANCES, SECTION 1117.09 – VARIANCES, SUB-SECTION (a) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Malecek declared that the Ordinance No. 2009-13 will remain on Second Reading.

ORDINANCE NO. 2009-14

AN ORDINANCE AMENDING CHAPTER ELEVEN, TITLE THREE – CODE ADMINISTRATION, CHAPTER 1121 – NONCONFORMING USES, LOTS, AND STRUCTURES, SECTIONS 1121.01 – PURPOSE, 1121.03 – NONCONFORMING USES OF BUILDINGS, STRUCTURES OR LAND, AND 1121.04 – NONCONFORMING BUILDINGS AND STRUCTURES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Malecek declared that the Ordinance No. 2009-14 will remain on Second Reading.

ORDINANCE NO. 2009-15

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1133 – SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS, SECTION 1133.10 – ACCESSORY USE REGULATIONS FOR SINGLE – FAMILY DETACHED DWELLINGS, SUB-SECTION (g) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Malecek declared that the Ordinance No. 2009-15 will remain on Second Reading.

ORDINANCE NO. 2009-16

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE NINE – SIGNS, CHAPTER 1151 – SIGN REGULATIONS, SECTION 1151.06 – PROHIBITED SIGNS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Malecek declared that the Ordinance No. 2009-16 will remain on Second Reading.

ORDINANCE NO. 2009-17

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE ELEVEN – SUPPLEMENTAL DEVELOPMENT STANDARDS, CHAPTER 1157 – GENERAL USE REGULATION, SECTION 1157.07 – ADDITIONAL REGULATIONS REGARDING MOTOR VEHICLES IN RESIDENTIAL ZONING DISTRICTS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Malecek declared that the Ordinance No. 2009-17 will remain on Second Reading.

ORDINANCE NO. 2009-26

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – DEPARTMENT OF FINANCE, BY THE ADDITION OF A NEW SECTION 135.32 – GARFIELD FUND OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2009-26.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-26 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to adopt Ordinance No. 2009-26.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-26 has been adopted.

ORDINANCE NO. 2009-27

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN IT SUPPORT CONTRACT WITH NET IT SOLUTIONS, INC. FOR ONGOING IT MAINTENANCE AND SUPPORT SERVICES AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-27.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-27 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to adopt Ordinance No. 2009-27.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-27 has been adopted.

ORDINANCE NO. 2009-28

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – DEPARTMENT OF FINANCE, BY THE ADDITION OF A NEW SECTION 135.33 – EUCLID CREEK TRIBUTARY WATERSHED (ECTW) SANITARY SEWER ASSESSMENT AREA “C” FUND OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2009-28.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-28 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to adopt Ordinance No. 2009-28.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-28 has been adopted.

ORDINANCE NO. 2009-29

AN ORDINANCE AMENDING PART THIRTEEN - BUILDING CODE, TITLE THREE - LOCAL BUILDING PROVISIONS, BY THE ADDITION OF CHAPTER 1377 – ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS.

President Malecek declared that Ordinance No. 2009-29 will remain on First Reading.

RESOLUTION NO. 2009-5

A RESOLUTION ACKNOWLEDGING MAY 3RD THROUGH MAY 9TH OF 2009 AS BUILDING SAFETY WEEK IN THE CITY OF WILLOUGHBY HILLS, OHIO.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fellows to suspend the Three Reading Rule for Resolution No. 2009-5.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Resolution No. 2009-5 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Germano to adopt Resolution No. 2009-5.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that Resolution No. 2009-5 has been adopted.

RESOLUTION NO. 2009-6

A RESOLUTION IN SUPPORT OF THE OHIO OCCUPATIONAL THERAPY ASSOCIATION BY RECOGNIZING THE MONTH OF APRIL AS NATIONAL OCCUPATIONAL THERAPY MONTH.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2009-6.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Resolution No. 2009-6 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to adopt Resolution No. 2009-6.

Roll Call: 5 AYES

MOTION PASSES

President Malecek declared that Resolution No. 2009-6 has been adopted.

NEW BUSINESS

- There was no “New Business” brought forth to Council.

FOR THE GOOD OF THE ORDER

- Mayor congratulated President Malecek for being named one of Cleveland Cranes “Top Twenty in their Twenties for 2009”.
- Councilman Fiebig announced that Audubon Society of Greater Cleveland will be hosting a nature walks beginning Sunday, April 26th. Check dates of future walks on the City’s Website.

ADJOURNMENT

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

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Malecek declared that Council is adjourned until the next Regular Council Meeting.

Meeting adjourned at 7:44 p.m.

APPROVED: June 23, 2009
Date



Kevin D. Malecek
President of Council

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