

# City of Willoughby Hills

## Regular Council Meeting Minutes of January 10, 2008

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 called to order by President Kevin D. Malecek

### *Pledge of Allegiance*

### Roll Call of Council

**Members Present:** Councilwoman Nancy E. Fellows, 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

**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 October 25, 2007**

**MOTION WAS MADE BY COUNCILMAN SOMICH** seconded by Councilman Germano to approve the Regular Council Meeting Minutes for October 25, 2007.

**Roll Call: 6 AYES with Councilman Fiebig abstaining** **MOTION PASSES**  
President Malecek stated that the Regular Council Meeting Minutes of October 25, 2007 have been approved.

### **Regular Council Meeting of November 8, 2007**

**MOTION WAS MADE BY COUNCILMAN SOMICH** seconded by Councilman Biro to approve the Regular Council Meeting Minutes for November 8, 2007.

**Roll Call: 6 AYES with Councilman Fiebig abstaining** **MOTION PASSES**  
President Malecek stated that the Regular Council Meeting Minutes of November 8, 2007 have been approved.

### **Special Council Meeting of November 29, 2007**

**MOTION WAS MADE BY COUNCILMAN SOMICH** seconded by Councilman Reichelt to approve the **Special** Council Meeting Minutes for November 29, 2007.

**Roll Call: 6 AYES with Councilman Fiebig abstaining** **MOTION PASSES**  
President Malecek stated that the **Special** Council Meeting Minutes of November 29, 2007 have been approved.

### Regular Council Meeting of December 13, 2007

**MOTION WAS MADE BY COUNCILMAN SOMICH** seconded by Councilman Reichelt to approve the Regular Council Meeting Minutes for December 13, 2007.

**Roll Call: 6 AYES with Councilman Fiebig abstaining**

**MOTION PASSES**

**President Malecek stated that the Regular Council Meeting Minutes of December 13, 2007 have been approved.**

### Organizational Meeting of Council of January 3, 2008

**MOTION WAS MADE BY COUNCILMAN SOMICH** seconded by Councilman Reichelt to approve the Organizational Meeting of Council Minutes for January 3, 2008.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek stated that the Organizational Meeting of Council Minutes of January 3, 2008 have been approved.**

#### ***Correspondence***

- Ohio Ethics Commission to City Mayors or City Clerks or City Managers or City Auditors and Council Clerks, dated January 4, 2008 re: 2007 Pre-Printed Financial Disclosure Statements
- Mayor's Monthly Statement to Council for the Month of December 2007
- Richard Iafelice to Honorable Robert Weger and Members of Council re: January Status Report
- **ROBERT M. WEGER TO CITY COUNCIL, CITY DEPARTMENTS, CITY COMMISSIONS AND BUILDING SERVICES, DATED JANUARY 9, 2008 RE: APPOINTMENT OF GLORIA MAJESKI**

#### ***Notifications***

- Board of Building and Zoning Appeals Organizational Meeting of January 8, 2008
- Cancellation of the Regular Council Meeting scheduled for December 27, 2007
- Cancellation of the Planning and Zoning Commission & Architectural Board of Review Meeting of December 20, 2007
- Cancellation of the Planning and Zoning Commission & Architectural Board of Review Meeting of January 3, 2008
- Rules & Legislation Committee Meeting of January 7, 2008

#### ***Minutes***

- Planning and Zoning Commission & Architectural Board of Review Meeting of October 18, 2007
- **Rules and Legislation Committee Meeting of January 7, 2008**

#### ***On File***

- Letter from Waste Management, dated December 17, 2007 re: Waste Management of Ohio, Inc. has won the waste removal service in respective county
- Kenneth A. Lorenz to Andy Unetic, Finance Director, dated December 17, 2007 re: Bill Paying
- John P. Luskin, Law Director to Kenneth A. Lorenz, Mayor, dated December 17, 2007 re: Letter of Resignation
- Ohio EPA – Annual Sewage Sludge Report 4229, dated December 10, 2007
- C.K. Cahill to Mayor Kenneth A. Lorenz, dated December 14, 2007 re: Letter of Resignation from the Assistant Finance Director's Position
- Kenneth A. Lorenz, Mayor to Andy Unetic, Finance Director, dated December 14, 2007 re: Appointment of Acting Assistant Finance Director
- Ohio Department of Natural Resources, dated December 7, 2007 re: Winter/Spring 2008 "Passport to Fishing" Workshop Dates & Sites
- Time Warner Cable to Mayor Ken Lorenz, dated December 19, 2007 re: Notice of Commencement of Service by Video Service Provider
- Mary Taylor, CPA, Auditor of State, Bulletin 2007-014, dated December 21, 2007 re: New Public Records Law

- City of Mentor/Chief of Police to Chief Chris Collins, dated December 27, 2007 re: Request for K-9 Assistance
- Willoughby Hills Court Dates for 2008
- Willoughby Hills Senior Activity Pages, January 2008 – Issue Number 1
- MTD Fund Report for Month of November 2007
- Cities & Villages for November/December 2007
- The Housing Research & Advocacy Center's – Local Occupancy Codes in Northeast Ohio for 2007

#### **MAYOR'S REPORT – Robert M. Weger**

- Resignations  
Robert M. Weger resigned his appointment to the Recreation Commission  
David M. Fiebig resigned his appointment to the Board of Building and Zoning Appeals and his position on the Independent Audit Committee
- Appointments  
Thomas G. Lobe had been appointed and sworn in as the City Law Director  
Mayor Robert M. Weger had been appointed to serve as Safety Director and Service Director  
Michael P. Germano had been appointed and sworn in as the City Police Prosecutor per the terms of Ordinance No. 2004-38  
Joan Motuza had been hired as Board of Building and Zoning Board Clerk  
Lawrence Hupertz had been appointed and sworn in as Magistrate of the Mayor's Court  
John Klements was re-appointed and sworn in to serve on the Board of Building and Zoning Appeals  
Peter Kamis was appointed and sworn in to serve on the Board of Building and Zoning Appeals  
Joe Zawatski was appointed and sworn in to serve on the Board of Building and Zoning Appeals
- Announced that the last member of the Civil Service Commission, Joseph Karafa passed away on December 3, 2007 and requested a Resolution be prepared
- Announced the appointment of Gloria Majeski to serve as the Mayor's Executive Assistant
- Announced that the Lake Metro Parks did consummate the purchase of Warner's Nursery, 72 acres down in the valley by the Chagrin River
- Marcum and Parkview Balloon Testing

#### **LAW DIRECTOR'S REPORT – Thomas G. Lobe, L.P.A.**

- Written request made to the former Law Director, John Luskin
- TIF Funding
- EEOC Matter
- Pine Ridge Waterlines

#### **FINANCE DIRECTOR –**

- The position of Finance Director remains unfulfilled; therefore no formal report was given.

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

- Referenced Status Report of January 2008
- Pine Ridge Waterlines
- Deflection Testing of Sewer Lines
- Assessment Area C – Sanitary Sewers
- Stormwater Management – 319 Stream Restoration Grant
- Stormwater Management Plan – Hillside/Riparian
- "Walk-through" of Classic Auto Group

## COMMITTEE REPORTS

### **FINANCE – Raymond C. Somich**

- Announced Committee Members – Councilwoman Nancy E. Fellows and Councilman David A. Reichelt

### **PLANNING & ZONING – David A. Reichelt**

- Announced Committee Members – Councilman David M. Fiebig and Councilman Frank A. Germano
- Announced that the Committee will meet within the next two weeks

### **RECREATION – David M. Fiebig**

- Announced Committee Members – Councilman David A. Reichelt and Councilman Christopher L. Biro
- Attended Recreation Commission Meeting

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

#### **COMMITTEE MEETING OF JANUARY 7, 2008**

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

**Also Present:** Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich, Mayor Robert M. Weger, Law Director Thomas G. Lobe

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

**Meeting was called to order at 6:45 p.m.**

**Ordinance 2008-1** – To amend codified ordinance in regard to purchasing authority and policies.

Councilwoman Fellows – Interested in the spending of the city, where the bulk of the money goes – specific area – trend thing – what is the biggest ticket item, obviously dependent on what is going on in the city?.

Councilman Reichelt – active Finance Director will provide date

Mayor Weger – support package with CMI system – will be able to get specific spending categories and chart it out. If you want to see something that looks nice – Painesville website – 2006 financial spending report – pie chart – 45 pages of numbers – category spending. Today, very hard to tell – two places to spend – not a really clear picture. Reports package – put numbers together. Upgraded the software, never been used. How to do budget from year to year.

Councilwoman Fellows – will have to do final budget

Mayor Weger – will have final numbers, facts and figures.

Councilman Malecek – very nice thing to do at this point.

Councilman Germano – ordinance will help bills going out in timely manner?

Weger – finance department – list of purchase orders that were approved. Weger made spreadsheet over \$1,000 – tracked it – go over line items. List from A-Z, highest to the lowest. \$100,000 in salt, then this on a lightbulb. Will be able to track finances better.

Councilman Malecek – will be on a three-meeting schedule.

Councilman Somich – gone through six-week process – could it be on an emergency basis?

Mayor Weger – three readings allows us to review it and 30 day implementation period allows citizens to review it. Say an ordinance to purchase something – as an emergency measure, it can be done immediately. 30 days for citizens to do referendum to change the measure.

Councilman Somich – more documentation and verification that has before.

Weger - Finance Committee, Council President or VP to sign legislation from here on. Want to stay away from emergency.

Lobe – no rush on this one, same way as brought forth before. Assess before PO still exists. Get a feel for it – no emergency on this – grace period for Mayor-Council relations. Statutory amount set by Ohio legislature.

Councilman Germano – have first reading, second reading. Councilman Reichelt concurs.

#### **Other Business –**

Reichelt – go through committees. Rules – Malecek, chair, Reichelt, vice chair, Germano on committee.

Malecek – will council president count for quorum on committee? Not at this time.

Reichelt – Fiebig, Fellows on Safety.

Personnel Relations – Biro as Chair, Somich, Mayor Weger

Service – Fellows as chair, Biro, Germano.

Planning and Zoning – Reichelt as Chair, Fiebig, Germano

Finance – Somich as chair, Reichelt, and Fellows

Recreation – Fiebig as chair, Reichelt, and Biro

Utilities – Germano as chair, Fellows, and Somich

Councilman Somich – Airport Expansion committee and Bishop Task Force.

Councilman Reichelt – was Bishop Road Task Force a Council Committee?

Councilman Somich – in the past, ordinance to minimum maintenance standards – resident complaints – legitimate resident complains – homes and yards – difficulty in administration to buy-in need for that – done properly. Two questions/comments: could we have Council Clerk continue work on information gathering on property codes (Euclid, Richmond Heights)? Second part – resident in District 2 – Ordinance 1967-30 – part of getting this done – Oak Street home – garages – total state of disarray – dirt driveway – embarrassment to that street. Aware of this ordinance – Mr. DiFranco not sure if it can be enforced. Minimum maintenance ordinance?

Lobe – whatever is on the books is inadequate. Vermin infested wood piles. Uniform residential enforcement code.

Councilwoman Fellows – home on Rockefeller affected people on Gatsby – DiFranco there numerous times to fine them with ordinances – dumping furniture and debris – support.

Councilman Reichelt – enforcement has been somewhat limited and inefficient. Much enforcement capability as police department. Fifteen vehicle property on Chardon Road – been through legal issues with these people. Need to strengthen ordinances.

Lobe – cleaned up with passage/ How practically apply – people that are openly defiant – deal with through Mayor's Court – most of the time - \$50 cost for fine and compliance. Hardship case – health problems – Spring or whatever it be. Did many of those. Somich – hardship cases – United Way of Lake County – Annual Day of Caring – looking for jobs – volunteers from corporations – didn't have enough home type of jobs. Little old ladies – can remedy that with United Way people. Just defiant – daring us to do something.

Councilwoman Fellows – Warner Nursery property – Metroparks transfer – create resolution to honor people involved – much nicer than looking at gravel facility – closed Friday.

Councilman Reichelt – develop partnership with Cuyahoga County Metroparks – helps out with development of parkland. Two entities that don't talk at night.

Lobe – many inquiries to change zoning on that property – we are fortunate to have the park district come in and buy the property. River, property, not more than commercial.

Fulton – notice change of time to council meetings to 7:00pm. Who has the authority to change it?

Kowalsky – all the chairmans – microphones would be on. Committee for the airport – what happened on December 22, 2007 – 12 minutes of engine testing at 12:00noon – plane was “taking off for 12 minutes” can we deal with that now or do we have to wait for an expansion? Shouldn't we deal with that now? Point towards other City Hall? Plane on dolly and blow off the runway – run whole 5,000 feet. Pine Ridge – remove self from that – Malecek – people are dealing with in the courts – landlord. Did in the end was nothing – no motions – do anything. Been rezoned – Mr. Hartt – came here – considered everything. Did not make any motions that we will not fight that – inaction that we are. Not comment on it – litigation – decision to me made. Judge Lucci decided it – waterline issue is unresolved – easements back to 1973 and 1974 – waterline issue – unimproved area. Try to have that matter resolved – City of Willoughby Hills in the County. Records on that – no current lawsuit. Is it totally resolved? No. Meeting with Goldberg Companies. Make the rules on when, how, amount of time. If there is any type of litigation? Shouldn't be? Instead of a committee for the airport – make your action – Commission could report to Mr. Weger – fact-finding – Commission rather than a committee.

Mr. Fiebig – advocating – watchdog group of citizens. Somich – address issue of running of the engine – it was because of testing – isn't anything that can be done. Test for three hours consecutively – taking off was in reference to how loud it was. Richmond Heights. Have determined by FAA – deal with it as a company – doing repair. Isn't FAA that is worried about that? Tell Richmond Heights maybe – abusing us.

Fulton – is there a height requirement – how low planes can be? Reichelt – federally regulated. 1,000 over inhabited space, 500 uninhabited.

Cihula – Tom made a comment for something that predates me.

Malecek – as required to do under Ohio Ethics Law, or any public officials when there is a conflict of interest, will remove self from any decision-making process where there is a conflict of interest as determined by me and or the Law Director.

**Meeting adjourned at 7:35 p.m.**

- Announced Committee Members – Councilman Frank A. Germano and Councilman David A. Reichelt with Councilman Reichelt serving as Vice Chair of the Committee

### **SAFETY – David A. Reichelt**

- Announced Committee Members – Councilman Christopher L. Biro and Councilman David M. Fiebig
- Meeting to be announced for Monday (January 14<sup>th</sup>) for the purpose of discussing technological improvements for City's safety forces.

### **SERVICE – Nancy E. Fellows**

- Announced Committee Members – Councilman Christopher L. Biro and Councilman Frank A. Germano

### **UTILITIES – Frank A. Germano**

- Announced Committee Members – Councilwoman Nancy E. Fellows and Councilman Raymond C. Somich
- Meeting to be scheduled sometime next week (January 22<sup>nd</sup>) for the purpose of discussing Assessment Area C

### **PERSONNEL RELATIONS – Christopher L. Biro**

- Announced Committee Members – Councilman Raymond C. Somich and Mayor Robert M. Weger

### **WORKING COMMITTEE OF COUNCIL – Kevin D. Malecek**

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

### **OTHER COUNCIL REPRESENTATIVE REPORTS**

- Councilman Biro requested that all members as well as the Mayor serve on the Ad-hoc Committee Against Any Expansion of the Cuyahoga County Airport

**President Malecek requested a motion to officially re-establish the Ad-hoc Committee.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to re-establish the Ad-hoc Committee of Council Against Airport Expansion of the Cuyahoga County Airport (CCA) with Councilman Biro serving as Chair; membership to include all Members of Council as well as the Mayor.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek stated that the Ad-hoc Committee of Council Against Airport Expansion of the CCA has been re-established with membership to include all Members of Council as well as the Mayor.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to re-establish the Bishop Road Task Force with Councilman Somich to serve as Chair; composition of the Committee to be announced at a later date.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek announced that the Bishop Road Task Force has been re-established with Councilman Somich servicing as Chair; members of the Task Force to be announced at a later date.**

## **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.**

**President Malecek opened public portion at 7:33 p.m.**

- (1) Joyce Grady  
3030 Marcum Boulevard  
Re: Sewer problem on Marcum Boulevard, where is the money coming from to fix the problem

- (2) Robert Kowalsky  
2585 Timberline Drive  
Re: Letter regarding Ms. Miles; Pine Ridge Waterlines; TIF Funding/Paying for Pump Station

**With no further commentary from coming forth from the public, President Malecek closed public portion at 7:38 p.m.**

## UNFINISHED BUSINESS

Councilman Reichelt responded to Mr. Kowalsky's questions. Law Director Thomas G. Lobe responded to Joyce Grady's question. Councilman Somich provided a short summary pertaining to the use of TIF funding. City Engineer responded to Mr. Kowalsky's question pertaining to the pump station.

## LEGISLATION

### ORDINANCE NO. 2008-1

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE ONE – GENERAL PROVISIONS, CHAPTER 115 – METHODS OF PURCHASE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

**President Malecek stated that Ordinance No. 2008-1 will remain on First Reading.**

## NEW BUSINESS

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Somich to extend the Three (3) Minute Rule to all Council Committee Meetings.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek stated that the Three Minute Rule will apply to all Council Committee Meetings.**

## FOR THE GOOD OF THE ORDER

- Councilman Reichelt announced that the Mayor, Councilman Fiebig and himself put some time into the update of the City's Channel 12.
- Councilwoman Fellows acknowledged the passing of long time resident Elizabeth Roemisch.
- The Mayor acknowledged and thanked Councilman Reichelt and Councilman Fiebig for their assistance with the City's Channel 12

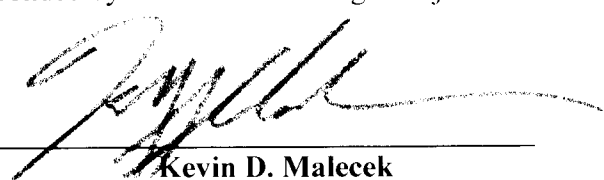
**With no further items brought forth "For the Good of the Order", President Malecek requested a motion for adjournment.**

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Fiebig to adjourn.

Meeting adjourned at 7:46 p.m.

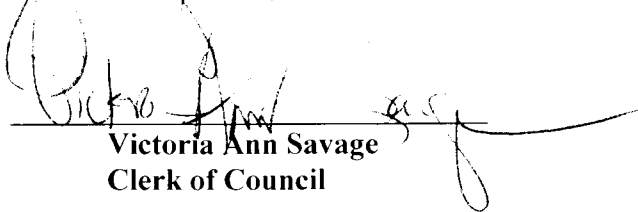
APPROVED: \_\_\_\_\_

*January 24, 2008*



Kevin D. Malecek  
President of Council

ATTEST: \_\_\_\_\_

  
Victoria Ann Savage  
Clerk of Council