

City of Willoughby Hills

Regular Council Meeting

Minutes of July 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. Meeting of Council Called to Order by President of Council.

Pledge of Allegiance

Roll Call of Council

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

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

Disposition of the Journal **Regular Council Meeting of May 28, 2009**

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to approve the the Regular Council Meeting Minutes of May 28, 2009 as submitted.

Roll Call: 6 AYES with Councilwoman Fellows abstaining

President Malecek declared that the Regular Council Meeting Minutes of May 28, 2009 have been approved as submitted.

Correspondence

- Mayor's Monthly Statement for July 2009
- City Engineer's Status Report for July 2009
- **FINANCIAL REPORTS: CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING JUNE 2009**

Notifications

- Assessment Equalization Board Public Hearing for Tuesday, July 7, 2009
- Board of Building & Zoning Appeals Notification that the Board will not meet for there were no appeals received. The next meeting is scheduled for August 11, 2009
- Civil Service Commission Meeting of July 27, 2009
- Finance Committee Meeting of July 9, 2009
- Planning and Zoning Commission & Architectural Board of Review Meeting of July 2, 2009
- Rules and Legislation Committee Meeting of July 6, 2009

Minutes

- **Finance Committee Meeting of July 9, 2009**
- Planning and Zoning Committee & Architectural Board of Review Meeting of May 21, 2009 (Signed Copy)

- Planning and Zoning Committee & Architectural Board of Review Meeting of June 4, 2009
- **Rules and Legislation Committee Meeting of July 6, 2009**

MAYOR'S REPORT – Robert M. Weger

Mayor's Report consisted of the following topics:

- 2009 Pool Subsidy Program
- Surplus City Vehicles Internet Auction Update
- WHISPER Fund and Garfield Fund are being established – City appealed the initial decision of the State Auditor; funds may be established with the contingency that once these funds are no longer in used they are to be disbanded
- IT/Dispatch Center Project Update
- Stimulus funding provided for work to be done within the City – painting of hydrants, cutting weeds/grass and playground equipment in Campbell park is being painted
- Sub-division of Pine Valley received final road surfacing
- Working with Developer with respect to the Maple Grove Area; development to consist of one acre lots with no sewers

Acknowledgements

- Councilman Reichelt for donating all of his time to overseeing the IT/Dispatch Center
- WHISPER Volunteers
- Assessment Equalization Board Members; Law Director and Clerk of Council for their involvement with the Assessment Equalization Public Hearing

Events

- American Red Cross Blood Drive to be held at the WH Community Center – July 21st
- Annual Flea Market – August 22nd from 9:00 a.m. to 3:00 p.m. at Campbell Park
- Willoughby Hills Fall Corn Fest to be held on Saturday, September 12th and Sunday, September 13th
- Annual Craft Fair – Saturday, October 10, 2009 from 10:00 a.m. to 4:00 p.m. at the WH Community Center

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

- Reported on the Assessment Equalization Public Hearing for Assessment Area “C” held on July 7, 2009

FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel

- Distributed to Council were the June 2009 Financial Reports consisting of Cash Reconciliation, Purchase Orders and Fund Balance Change Analysis
- 2010 Tax Budget is available for public viewing
- RITA to canvass all City business establishments to obtain employment records

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

- Pine Valley Sub-division received final road surfacing
- Interim report on the Green Ridge Sanitary Sewer System Evaluation
- City's ability to take advantage on a new EPA low interest loan program for sewer connections
- Improvements on Stark Drive as it relates to the improvements to the new pump station located at Stark and Chardon and the generator there.

COMMITTEE REPORTS

FINANCE – Raymond C. Somich, Chair

Committee Members:

Nancy E. Fellows, David A. Reichelt

COMMITTEE MEETING OF JULY 9, 2009

Members Present: Councilman Raymond C. Somich, Chair, Councilwoman Nancy E. Fellows, Vice President David A. Reichelt

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, President Kevin D. Malecek, Mayor Robert M. Weger and the Finance Director Joseph G. Mirtel
Purpose of the Meeting was to discuss City Finances and any other business.
The meeting convened at 6:21 p.m.
<i>Order of Business</i>
<u>Tax Budget – Ordinance No. 2009-59</u> Required to submit to allow City to receive tax revenues such as real estate/property taxes which then are used to operate the City. This is not the City's operation budget. It will be introduced tonight (<u>Ordinance No. 2009-59</u>) with a Public Hearing scheduled for July 23, 2009. <u>Status of Revenues</u> Real estate tax income improved a little; City Tax Revenue still slow, working with CCA/RITA transition; RITA will canvass all City businesses <u>Status of Expenses</u> Six (6) stimulus workers not paid by City; no overtime; watching hours; some retirements/attrition may not be replaced; upcoming purchases for equipment/supplier will be watched closely; will review heavy trash pickup bids before approving; other cuts may be necessary – administration will keep us aware of such changes <u>Clarification of all Sewer Funding</u> All funds are restricted and only used in sewers – maintenance, building, equipment, stabilize to reduce the need for rate increases <u>State Auditors on Site – Reviewing 2006</u> City is hopeful they will stay or return soon to audit 2007 and 2008 – we are ready for them <u>WHISPER Fund and Garfield Fund</u> State Auditor approved two (2) accounts for restricted funds – WHISPER and Garfield Funds <u>Financial Reports</u> Accounts from May have been reviewed, as well as all reports, analyses and Cash Reconciliations; financial reports for June were received today and will be reviewed in the future
<i>Public Portion</i>
Frank Cihula commented on the <u>Garfield Fund Account</u> and Robert Kowalsky had questions with respect to the new Trash Proposal being considered
Meeting adjourned at 6:55 p.m.

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.
- Chairman Reichelt provided the following information with respect to the work being done by the Planning Commission:

Master Plan being reviewed

Development of legislation regarding Pole Signs/Elevated Signs

John Lillich was designated by the Planning Commission to serve as the City's Representative with respect to the issue of local control of Gas Wells; currently there are two pieces of legislation being considered by the State Legislature

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 JULY 6, 2009

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

Also Present: Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Law Director Thomas G. Lobe, Building Inspector/Commissioner Fred Wyss

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

The meeting convened at 6:38 p.m.

Order of Business

Property Maintenance Code – consultation with Law Director Lobe and Building Inspector Wyss.

Lobe – Chapter 1337 – two pages long – penalty section – Exterior Maintenance Code (1337.02) twenty lines long – passed in 1967 – since his tenure, and prosecutors before – it's too minuscule, not strong enough – even for unsafe structure – debases neighborhood/reduces property values – would we have to bring in a realtor.

Prosecutor Germano – not worth anything – if you give us something, give us the International Code – let's put faith in Building Department – get complaints all the time – weeds, tall grass – not in there. So limited in nature. We should adopt International Code – can strike out specific things out of the Code. Can always revoke it in the future.

International Code can be adopted piecemeal – adopted amendments from there – under Home Rule, you can take things out – generic Code good across the state – commentary about specific things – too much power to Building Inspector, etc – good for discussion purposes. May want to modify it. When we had Comprehensive Plan, David Hartt did not modify this – too much to do – his recommendation was to adopt International Code.

Mr. Wyss – reinforce what Law Director has stated – read strong letter to property owner – strong as we can get out of the Code. Can't be a subjective ordinance – suggest – lawns and weeds, landscape maintenance.

Reichelt – question for Mr. Wyss – we could set that grass level at any level? Wyss – kept old lawn ordinance even after they passed the International Code – something in an ordinance for City to cut the grass if property owners do not do it. Need to have a process – start with a conversation or friendly letter, but we need to have an endpoint and direction.

Need to have specific things asking for when looking for compliance. Generated by complaint – applying from generalities now. Sweets and Treats good example – three ordinances that the sign had to come down – someone does not want to comply – did not want to proceed. We are not going to have problems with this Code with the average citizen in Willoughby Hills.

Reichelt – in the last year, how many times do you think we would have been in Court? Gotten to that on any of them, if International Code in place. Lobe – most people come to their senses and understanding, or we learn there is a problem why they can't comply. Wyss – ones that came closest to prosecution were bank owned properties. This should not be a burden on 99% of the residents – would have worked with them on compliance, cleaning-up, etc – not to be unduly bearing – help them get through their issues.

Fiebig – how do we define acceptable – simple and definable – don't like grass; you can take it out – grass and weeds – all vegetation – in International Property Code. Lobe – Vagueness is present in the current ordinance. Have decided not to use these – asked for the Code. What's going to happen in future years – how is the Code going to be used in the future.

Lobe/Wyss – we get a lot of calls – for everything – under tarps, etc.

Reichelt – if they receive a complaint about something – arsenal of things to leverage about something – how do you prosecute that? How do you advance the case?

Many cities around us – this is their Code – just in this area.

Consensus for Committee to go through International Code and see what may need to be in and struck Will be considered at the next Rules meeting.

Public Portion

Frank Cihula – major overkill, not resident-friendly – typically Mayor would appoint Building Commissioner – if a later date, he can fire Building Commissioner – can't remove them as property maintenance – back in 2003, Council did not want to adopt for residential – 2003-60. Vacant lots are vacant lots – they are vacant. Bob Kowalsky – heard words from someone who actually read it – hear about all the years – all the times – complaints that the office had – what was complained about – what is still wrong from the complaints – doesn't really work this way – should be residential – hammered all year long – only went to residential home on property – no I'm not – do you have a need for this? This man is telling you about the courts – how many times can't find anything going through the finance department – rental property – that one that was on my street – he needed railings – they put up plywood – palettes – this thing looked like a piece of junk – you forget the homeowner – need to figure out something in the WHISPER program – do see Alzheimer's – want to hack me up? Go right ahead. You don't have it together – hammer, hammer, iron fist is yours. Until you have a need, on paper in front of you. Mr. Ackerman – had one of those lots that he didn't cut. See property like Alaska – see a piece of paper before you do any of this stuff – no country, into a city – I have weeds in my lawn – I like the animals – don't think poison my lawn – when the gopher comes and goes along the groundhog – I don't plant food they like to eat. Someone that had a pink house – they didn't have the right paint job. Give us a whole bunch of laws – don't take it out of the garbage can. You need something to take care of those people.

Meeting adjourned at 7:27 p.m.

SAFETY – David A. Reichelt, Chair

Committee Members:

Christopher L. Biro, David M. Fiebig

- **Councilman Reichelt was not present; therefore, no formal report was given.**

SERVICE – Nancy E. Fellows, Chair

Committee Members:

Christopher L. Biro, Frank A. Germano

- **The Service Committee has not met; therefore no formal report was given.**
- **Announced that the Service Committee will meet on Monday, July 20th**

UTILITIES – Frank A. Germano, Chair

Committee Members:

Nancy E. Fellows, Raymond C. Somich

- **The Utilities Committee has not met; therefore no formal report was given.**
- **Announced that the Utilities Committee will meet on Monday, July 20th**

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 Council Representative Reports brought forth to 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 7:30 p.m.

1. Robert Kowalsky
2585 Timberline Drive
Re: Auditor's Certificate for Road Levy Replacement/Renewal; Funds 251 and 291 – still unresolved, FAA Minutes

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

UNFINISHED BUSINESS

- **There was no "Unfinished Business" to be addressed by Council.**

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to amend the Agenda to allow the inclusion of Ordinance No. 2009-59.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek stated that the Agenda for the Regular Council Meeting of July 9, 2009 has been amended to include Ordinance No. 2009-59.

LEGISLATION

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to suspend the Two Day Notification Rule for Ordinance No. 2009-59.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Two Day Notification Rule for Ordinance No. 2009-59 has been suspended.

President Malecek requested that the Clerk read the caption for Ordinance No. 2009-59.

ORDINANCE NO. 2009-59

AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR JANUARY 1, 2010 TO DECEMBER 31, 2010 FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

President Malecek stated that Ordinance No. 2009-59 will remain on First Reading and will be reviewed by the Rules and Legislation Committee.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to authorize the Mayor to secure bids for personal property and auto insurance.

Roll Call: 7AYES – unanimous

MOTION PASSES

President Malecek declared that the Mayor has been authorized to secure bids for the City's personal property and auto insurance.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to authorize the Mayor to secure bids for Heavy Trash Disposal.

Roll Call: 7AYES – unanimous

MOTION PASSES

President Malecek declared that the Mayor has been authorized to secure bids for the City's Heavy Trash Disposal.

FOR THE GOOD OF THE ORDER

- Councilman Somich announced the following dates for the Lake County Fair: August 19th has been designated as Veteran's Day – all Veterans will be admitted free and August 21st has been designated as Senior Day - all Seniors are to be admitted free
- Mayor Weger announced the City's annual Touch-A-Truck scheduled for August 8th – more information will be available – check 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: 7 AYES - unanimous

MOTION PASSES

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

Meeting adjourned at 7:40 p.m.

APPROVED: September 16, 2009
Date

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

Kevin D. Malecek
Kevin D. Malecek
President of Council