

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of June 25, 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.*

**7:01 p.m. Meeting of Council Called to Order by President of Council.**

#### *Pledge of Allegiance*

#### **Roll Call of Council**

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

**Absent:** City Engineer Richard Iafelice

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

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

President Malecek stated that the minutes of the Regular Council Meeting of May 28, 2009 will be addressed at the next Regular Council Meeting, that being July 9, 2009.

#### ***Correspondence***

- **FINANCIAL REPORTS:** CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING MAY 2009

#### ***Notifications***

- Planning and Zoning Commission & Architectural Board of Review Meeting of June 18, 2009
- Rules and Legislation Committee Meeting of June 22, 2009 – *Change in Time*
- Service Committee Meeting of June 22, 2009 – *Change in Time*

#### ***Minutes***

- Planning and Zoning Committee & Architectural Board of Review Meeting of May 21, 2009
- **Rules & Legislation Committee Meeting Minutes of June 22, 2009**
- **Service Committee Meeting of June 22, 2009**

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

- Willoughby Hills Senior Activity Pages for July 2009 – Issue Number 7

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

**Mayor's Report consisted of the following topics:**

- Assessment Area C Public Meeting – June 30<sup>th</sup>
- Tentative Assessments for Assessment Area C
- IT/Dispatch Center Project Update

- Stimulus Workers – painting fire hydrants, weeding as well as performing various community service activities
- Road Striping Program
- Fire Hydrant Flushing
- Surplus Vehicle Auction

#### **Acknowledgements**

- Thanked everyone for supporting Willoughby Hills Day at Lake County Captains Stadium
- Municipal Offices closed Friday, July 3<sup>rd</sup> in observation of July 4<sup>th</sup> Holiday
- Reminder to be safety conscious - Police and Fire Departments are doing a great job

#### **Events**

- Photo Contest
- Willoughby Hills Fall Corn Fest to be held on September 12<sup>th</sup> and 13<sup>th</sup>

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

- No Formal Report was given.

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

- Financial Reports consisting of Cash Reconciliation, Purchase Orders and Fund Balance Change Analysis for the Month Ending May 2009 were distributed to Council.

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

- City Engineer Richard Iafelice was not in attendance; therefore, no formal report was given.

#### **COMMITTEE REPORTS**

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

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

- The Finance Committee has not met; 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.
- Councilman Reichelt announced that the Planning Commission was working on revisions to the Master Plan; Ordinance will be forth coming from the Planning Commission regarding elevated signs.

##### **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 JUNE 22, 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 Fiebig

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

**The meeting convened at 8:13 p.m.**

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

**Resolution 2009-13:** Placing Road Levy renewal on the November Ballot. Clerical error made on Resolution 2009-12 – this will replace that Ordinance. ***Consensus of the committee to waiver Three Reading Rule and Adopt at Regular***

## ***Council Meeting.***

**Property Maintenance Code:** Germano – wouldn't it be better to start with just lawn maintenance in the Code. Reichelt – we need Property Code – dilapidated houses – tarps on the roofs for years and years. Several years – holes in the walls – circumstances where ceiling and roofs have collapsed – only when owner permits through WHISPER Program – house in deplorable condition be permitted to do something about it. Fiebig – private residence – should City go in to monitor/fix/enforce – volunteer program with WHISPER was a great thing – no Administrative cost to it. Reichelt – if you live next to someone with windows broken out of their house, holes in house, City goes and says this is not acceptable – you'd want City to do that. Fiebig – don't we have that for unsafe structures – maintenance of Exterior Property – or reduces property values in the neighborhood – includes in current Code. Objection to enforcement – International Building Code is very extensive – put burden on our City – don't want to be that kind of community. One acre lots – majority of our homes. Fiebig – we do have some problems in the City – grasses that are overgrown – what doesn't this current Ordinance give us – send them a bill? Reichelt – why is current Code not being enforced – ask Department Heads? Reichelt – no intent to have point of sale inspections. Dense housing is understood – natural free market ability – size of lots. Reichelt – would like to ask Fred to come and talk to us about the Code/IBC in general. Germano – ask Law Director's opinion.

***Referred to the next Rules Committee and will ask for Law Director and Building Inspector to come to talk about Code Section 1337 and International Building Code.***

### ***Public Portion***

Joyce Grady – personalized garbage pickup for individuals – can't speak out of both sides – covers most incidences – how high grass is – not as important – only here for a few months. Frank Cihula – the Int'l Property Maintenance Code is extreme overkill for what we are trying to solve – Law Director provided copy of Maintenance Code for Commercial – professionally written code – much less intrusive overkill than IBC. Start smaller - place to start. Linda Fulton – like what Councilman Fiebig read we already have – why is it not being enforced – caution – tarps over roofs, boards over windows – some people have a money situation – can't finish it right away – caution Council with that – houses that are so bad – donate their time. There was a drug bust over at the Towers and one of the people escaped – residents should know about – when is that reported – Safety Committee – Channel 12. Robert Kowalsky – Fire Dept years ago – why don't you make an automatic phone system to call people – list of specialties to the house – good idea – expand to this – if we knew person was escaping – phone people half a mile – automatic – computer system in the police car – citizen might have found that guy – people in Willoughby Hills caught that guy – kid running from Cricket – establish a thing like that – previous Administration loved not to take on microphones – previous Administration left Code alone – comes down to that's already there – how you are actually going to do it – complaint-driven – what do you do – if you are talking grass – you are responsible for the right-of-way to cut the grass – passes everyone almost – abuse us – not cut their right-of-way – how would the City look then – tall grass in the right-of-way.

**Meeting adjourned at 8:36 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 JUNE 22, 2009**

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

**Also Present:** President Kevin D. Malecek, Vice-President David A. Reichelt, Councilman David M. Fiebig, Councilman Raymond C. Somich, City Engineer Richard Iafelice

**Purpose of the Meeting was to discuss: (1) Illicit Discharge and Illegal Connection, (2) Trash/Recycling, (3) Granite Entrance Signage Route 91 and I-271, (4) Resident Service Issues and any other business.**

**The meeting convened at 6:04 p.m.**

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

**Ordinance 2008-80 / 2009-29 Illicit Discharge & Illegal Connection Control** word-smithing 1377.08 B. 1, 3, 6

- B 1 – To add at the beginning **In accordance with law and due process**, the City of Willoughby Hills and/or the Lake County Stormwater Management Department shall be permitted to enter and inspect facilities ...

- B3 – intent of this paragraph is from the model ordinance , discussion, approved as is
- B6 – approved as is

Committee to recommend to Council to adopt Ordinance with change.

**Drainage Projects Updates** – Engineer has been asked to review drainage problems throughout the City, resources are limited. Ongoing work sheet; works with Nate for City to address as many as possible.

Received \$200,000 Grant for Maple Grove slop failure. Project is \$450,000. County to give \$250,000, therefore all costs are covered. \$300,000 repair Bishop Road from Evergreen to City southerly line - Engineer asking to incorporate this cost into sewer contract.

**Trash / Recycling** – Gloria provided an update & corrections. 2,200 households base on contract, original contract no increase before 2 years, 8 cu yard containers will be at the Fire Station, Community Center, Service area as additional dumpsters, \$24k from the County to be applied to defer resident's costs. Getting rid of heavy trash pick-up costs will also assist with decreasing costs to the residents. Allow sub-contractors to go out for bid. 96 gal container for trash, 64 gal. with yellow lid for recycle every other week, orange bag customer does not get recycle program or heavy trash pick-up. City does not get involved in billing. Company will bill quarterly \$45/mo (\$15/mo), seniors get discount through using Golden Buckeye criteria. If bills are not paid treated like any other utility. Can opt-out, but must sign that have a legal means of discharging trash. Administration will monitor. If disconnect and re-up then there will be a start-up fee. Fuel charge is fixed by index. **To include language in the bid spec that there will be no start-up fee for initial participation in the program.**

In the future look to offer recycling for apartments and condos.

#### **Public Portion:**

Bill Hart from Graylock Drive – describe Kirtland's program that he is able to benefit from without problems.

Frank Cihula – Dixon Road, asks if I have orange bag then have no recycle? Answer, yes. What if a resident that does nothing? Administrative matter. Inquire price of orange bag, not determined yet.

Joyce Grady - \$24 to help decrease cost to residents. Three companies have interest in the bid. As a single person do not generate much trash, but want to recycle. Need for green bags for recycling. Want an option.

Mr. Discenza from Waste Management– examples of scenarios. Also mentioned the EPA tipping fee for waste companies to discard.

Linda Fulton – Would prefer to have the option to be an orange bag customer. Concerned f I have unusual items to be discarded? Also, concerned about fuel charges added to the base bill.

Bob Kowalsky – Concerned that this is a service that is being forced on the residents. Appreciate comments.

**Service Committee Comments** – **suggest place in bid specs prices for orange bag and recycling bag or recycle container**, potential for saving residents money and bring back curb recycling, approve options. Committee recommend to Council to recommend the Mayor to go out for bids.

**Granite Sign 90 & 91 - \$8k – 10k** To inquire if Jim Brown and the Cleveland Clinic would be willing to assist.

#### **Additional Questions/Comments:**

Linda Fulton – question about Marcum drainage finished? Need to ask Nate. Inquire concerning repairs of portion of White Road. Waiting for sewer project to address all repairs at one time.

Bob Kowalsky – Inquire about TIF areas and if this money can be used for road repair. The answer is no, this is different issue. Mr. Kowalsky request for public records on June 22, 2009 copies of handouts also draft minutes.

Joyce Grady – Sorry that the City does not have funds to support the granite sign, support looking for other funds to assist.

**Meeting adjourned at 8:15 p.m.**

#### **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.**

#### **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 Council Representative Reports presented.

## **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.; with no one coming forth from the public sector, Public Portion was promptly closed at 7:17 p.m.**

## **UNFINISHED BUSINESS**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Somich to place Ordinance No. 2009-58 on Agenda for the Regular Council Meeting of June 25, 2009.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek stated that the Agenda has been amended to include Ordinance No. 2009-58.**

## **LEGISLATION**

### **ORDINANCE NO. 2009-29**

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**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.**

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**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2009-29.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-29 has been suspended. President Malecek further clarified that although Ordinance No. 2009-29 had been read on three separate occasions, due to further discussion in Committee and some minor changes made to the Ordinance, the Three Reading Rule is being suspended.**

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Germano to adopt Ordinance No. 2009-29.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-29 has been adopted.**

### **RESOLUTION NO. 2009-12 - RESCIND**

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**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A REPLACEMENT OF AN EXISTING LEVY IN EXCESS OF THE TEN (10) MILL LIMITATION AT THE GENERAL ELECTION TO BE HELD NOVEMBER 3, 2009 FOR THE GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING, REPAIR OF STREETS, ROADS, BRIDGES, THE REPLACEMENT AND REPAIR OF NECESSARY ROAD EQUIPMENT AND MACHINERY INCLUDING BUT NOT LIMITED TO MATERIALS, LABOR AND FACILITIES IN THE CITY; AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY; AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE REPLACEMENT LEVY.**

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**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Biro to rescind Resolution No. 2009-12.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Resolution No. 2009-12 has rescinded.**

### **RESOLUTION NO. 2009-13**

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A RENEWAL OF AN EXISTING LEVY IN EXCESS OF THE TEN (10) MILL LIMITATION AT THE GENERAL ELECTION TO BE HELD NOVEMBER 3, 2009 FOR THE GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING, REPAIR OF STREETS, ROADS, BRIDGES, THE REPLACEMENT AND REPAIR OF NECESSARY ROAD EQUIPMENT AND MACHINERY INCLUDING BUT NOT LIMITED TO MATERIALS, LABOR AND FACILITIES IN THE CITY; AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY; AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE RENEWAL LEVY.**

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**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Reichelt to suspend the Three Reading Rule for Resolution No. 2009-13.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Resolution No. 2009-13 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to adopt Resolution No. 2009-13.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Resolution No. 2009-13 has been adopted.**

#### **ORDINANCE NO. 2009-58**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH CT CONSULTANTS, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION IMPROVEMENTS FOR THE MAPLE GROVE ROAD SLOPE FAILURE AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Fiebig to suspend the Two Notification Rule for Ordinance No. 2009-58.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Two Day Notification Rule for Ordinance No. 2009-58 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2009-58.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-58 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilwoman Fellows to adopt Ordinance No. 2009-58.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-58 has been adopted.**

#### **NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to authorize the Mayor to secure bids for a new or used Vactor Model 2108-821, RCS-15, single axle combination sewer vacuum and high pressure jet rodder having PD blower and 8 cubic yard debris hopper.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Mayor is authorized to secure bids for a new or used Vactor Model 2108-821, RCS-15, single axle combination sewer vacuum and high pressure jet rodder having PD blower and 8 cubic yard debris hopper.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Somich to authorize the Mayor to secure bids for the City's Trash/Recycling Program.

**Roll Call: 7AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Mayor is authorized to secure bids for the City's Trash/Recycling Program.**

**FOR THE GOOD OF THE ORDER**

- Councilman Somich announced that there will be the first Lake County Arthritis Expo being held at St. Gabriel School (Concord) on July 8<sup>th</sup>.
- Mayor reminded everyone of the Lion's Club Run through the Hills being held this Sunday.
- Councilman Biro wished everyone a happy and safe 4<sup>th</sup> of July holiday.

**ADJOURNMENT**


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

**Roll Call: 7 AYES - unanimous**

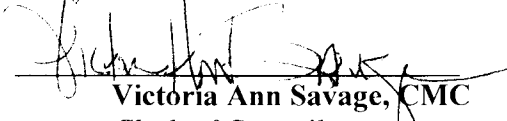
**MOTION PASSES**

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

**Meeting adjourned at 7:29 p.m.**

**APPROVED:**    
 Date

  
Kevin D. Malecek  
President of Council

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