

# City of Willoughby Hills

## Regular Council Meeting Minutes of June 26, 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.

7:05 p.m. Meeting called to order by President of Council Kevin D. Malecek

### *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 of Council Kevin D. Malecek

**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 June 12, 2008**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of June 12, 2008 as submitted.

**Roll Call: 6 AYES w/Councilwoman Fellows abstaining**      **MOTION PASSES**  
**President Malecek declared that the Regular Council Meeting Minutes of June 12, 2008 have been approved.**

### ***Correspondence***

- Richard J. Iafelice, City Engineer to Mr. James R. Gills, P.E., Lake County Engineer, dated June 12, 2008 re: OPWC Funding Application Form/Willoughby Hills, Ohio/Round 23 – Program Year 2009 Maple Grove Road Slope Repair
- Richard J. Iafelice, City Engineer to Mr. James R. Gills, P.E., Lake County Engineer, dated June 12, 2008 re: OPWC Funding Application Form/Willoughby Hills, Ohio/Round 23 – Program Year 2009 Bishop Road Resurfacing Improvement Project
- Richard Iafelice, City Engineer to Robert Weger, Mayor and Members of Council, dated June 12, 2008 re: ECTW Assessment Area “C”/White Road Sewer Alternative
- Maple Grove Area Sanitary Sewer Planning Study, Willoughby Hills, Ohio, dated June 2008 (distributed by Richard Iafelice, City Engineer)
- Financial Reports: Cash Reconciliation, Purchase Orders and Fund Balance Change Analysis for Month Ending May 2008

### ***Notifications***

- Charter Review Commission Meeting of June 25, 2008
- Finance Committee Meeting of June 23, 2008
- Planning & Zoning Commission and Architectural Board of Review Meeting of June 19, 2008

- Rules & Legislation Committee of Council Meeting of June 23, 2008
- Utilities Committee of Council Meeting of June 26, 2008

#### **Minutes**

- ***Finance Committee Meeting of June 23, 2008***
- Planning and Zoning Commission & Architectural Board of Review Meeting of May 15, 2008
- Working Committee of the Whole Meeting of May 9, 2008
- ***Rules & Legislation Committee Meeting of June 23, 2008***
- ***Utilities Committee Meeting of June 26, 2008***
- **CHARTER REVIEW MEETING MINUTES FOR JUNE 11, 2008**

#### **On File**

- **STATE AUDITOR REGULAR AUDIT FOR THE YEAR ENDED DECEMBER 31, 2005**

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

- **Residents First Program**
  - Assessment Area C offering a tap-in discount of \$500; deadline is July 15<sup>th</sup>
  - Chardon Road Resurfacing
  - Good Bye to Garfield Event
  - Garfield School Garage Sale – Friday and Saturday from 9:00 a.m. to Noon
  - United Way – Lake County Day of Caring
  - Mosquito Spraying – Lake County General Health District will be spraying for mosquitoes in the area on the evening of Wednesday, June 25<sup>th</sup>
  - Telephone Book Collection/June 20<sup>th</sup> through July 25<sup>th</sup> – Two drop-off points: Wickliffe City Hall and Mentor Wal-Mart
- **Upcoming City Events**
  - **June 28<sup>th</sup>** – Community Day (final year)
  - **June 29<sup>th</sup>** – Lion's Club "Run for the Hills"
  - **July 2<sup>nd</sup>** – Mosquito Spraying
  - **July 15<sup>th</sup>** – Willoughby Hills Red Cross Blood Drive – Free T-Shirts and Willoughby Hills Cookbook offered to anyone who donates blood
  - **July 21<sup>st</sup> – August 1<sup>st</sup>** – Willoughby Hills Safety Town
  - **September 13<sup>th</sup>** - First Annual Steak and Corn Roast to be held in conjunction with the City Flea Market, the ever-popular Touch-a-Truck and Fireworks!

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

- Charter Review Commission Progress Report
- Requested an Executive Session for the purpose of discussing pending litigation: *Miles vs. City of Willoughby Hills*

#### **FINANCE DIRECTOR – Joseph G. Mirtel**

- Finance Reports for the month ending May 2008 were distributed to Council at the Finance Committee Meeting held June 23, 2009
- 2009 Tax Budget – ready for Council's review

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

- Pine Ridge – Completed documentation for Release of the Rights-of-Way Easements
- Stormwater Management Coordinating Meeting for the EPA Grant for the stream restoration at the end of Red Fox Pass
- Maplegrove Slope Failure – Lake County Engineer assisting with analysis

## COMMITTEE REPORTS

### **FINANCE – Raymond C. Somich**

#### **COMMITTEE MEETING OF JUNE 23, 2008**

**Members Present:** Chairman Raymond C. Somich, Councilman David A. Reichelt

**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank Germano, Council President Kevin D. Malecek, Mayor Robert M. Weger, Finance Director Joseph Mirtel

**Purpose of the Meeting was to review City Finances and any other business.**

**Meeting convened at 7:04 p.m.**

Reviewed May 31<sup>st</sup> Reports and in particular looked at the budget process that was involved and were very pleased concerning some of questions that were being asked earlier because the data was insufficient, the budgets do seem to be in order and the balances for the various accounts are also in order at this point. There are some internal funds that do have negative balances, but those will be corrected within the calendar year, that it will be legal and proper.

The Committee did receive an explanation on some of the adjustments and reconciliations for the wage adjustments for various employees of the City and were informed that anyone who had monies owed to the City have paid us back, so the City has been made whole for any errors that were filed and corrected.

The Committee questioned if bills are being paid and were informed and assured that unless there are any discrepancies that are holding up a bill, all bills are being paid according to terms.

The Committee discussed the possible change, which will come up by a Motion of Council, to send a letter to RITA to change our collection agency for City taxes from Cleveland Collections Agency (CCA) to (RITA). The Committee recommended sending a letter as of July 1<sup>st</sup> notifying CCA, the City's existing agency that the City will be changing to RITA as of the 1<sup>st</sup> of the year.

The Committee discussed various policies and procedures that are being looked at the Finance Director and his staff, relate to more efficient use of City Funds

**Public Portion was opened at 7:56 p.m. with the following persons came forth with questions/comments:**

Linda Fulton asked further questions regarding RITA, Robert Kowalsky had various questions relating back to previous Finance Directors.

**Meeting Adjourned at 7:58 p.m.**

- Councilman Somich announced that a Finance Committee Meeting will be called for Monday, July 7<sup>th</sup> to address the 2009 Tax Budget.

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

- The Planning & Zoning Committee has not met; therefore no formal report was given.
- Reported that he had attended the Northeastern Ohio Regional Planning Commission Meeting on Friday, June 20<sup>th</sup>.

### **RECREATION – David M. Fiebig**

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

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

#### **COMMITTEE MEETING OF JUNE 23, 2008**

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

**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Raymond C. Somich, Mayor Robert M. Weger

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

**Meeting Convened at 6:34 p.m.**

#### **Ordinance 2008-50**

Rock Salt participation – purchasing with other communities to get the purchase. Received a FEMA Grant for \$22,000 from the last snowstorm – best two days for the FEMA Grant calculations.

**Consensus of the Committee was to bring Ordinance No. 2008-50 to Council for Adoption**

**Ordinance No. 2008-49**

Construction/Lawn Cutting Hours – Germano – go to 9:30 p.m. on the Ordinance during Summer time, still light at 9:00 p.m. Somich – wants to work on nuisance ordinance on laws, running whole neighborhood down – properties not being taken care of – wants a property upkeep ordinance – do we need to pass a law to prohibit cutting a lawn at 9:05 p.m. at night? If this relates to a construction job – just seems to be superfluous. Like to seek and/or find another way to handle business/commercial people that have a sustained problem. Went to commercial people in violation. Biro – seems like it is knee-jerk reaction – approach contractors, never had one about times when people cut grass, but more so about forcing people to cut the grass. Concentrate efforts more on property upkeep and maintenance. Fiebig – would have to agree, already have a disturbing the peace ordinance – cooperation at Classic and other neighbors – don't need to come down with a heavy hand.

**Consensus of the Committee was to Postpone Ordinance No. 2008-49 Indefinitely.**

**Property Maintenance Code – could we adopt the State and National Standard? Law Director was looking into ability to legislate that.**

***Public Portion***

Robert Kowalsky – Nuisance – there were no time frames in the nuisance law – if the law was loose, could you put it together to define what the nuisance is – whatever the situation making too much noise. Pretty heavy – handed ordinance. Mayor Weger – cannot force anything with what is on the books; cooperated and are starting later. Kowalsky – should stay a little more country, family-like.

Frank Cihula – use dusk or sunset for the time, varies with the seasons.

**Meeting adjourned at 6:50 p.m.**

**SAFETY – David A. Reichelt**

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

**SERVICE – Nancy E. Fellows**

- Councilwoman Fellows stated she will provide the minutes of the June 3<sup>rd</sup> Service Committee Meeting at the next Regular Council Meeting scheduled for July 10<sup>th</sup>.

**UTILITIES – Frank A. Germano****COMMITTEE MEETING OF JUNE 26, 2008**

**Members Present: Chairman Frank A. Germano, Councilman Raymond C. Somich**

**Also Present: Councilman Christopher L. Biro, Vice President David A. Reichelt, President Kevin D. Malecek, Mayor Robert M. Weger, City Engineer Richard Iafelice, Law Director Thomas G. Lobe**

**Purpose of the Meeting was to review Sanitary Sewer Planning Issues and any other business.**

**Meeting convened at 6:26 p.m.**

- Assessment Area C – Discussed ECTW Assessment Area C – White Road Sewer Alternative
- Sewer Rate for 2011
- Woodland Pump Station – holding back money from the contractor due to some problems
- Alberty Sewer Assessment – financial hardship case
- Cleveland Metro Park – Assessment Error was discovered – adjustment forthcoming

**Public Portion was opened at 6:47 p.m. with the following person(s) coming forth:**

Frank Cihula – Lower Legend Lane Sewer – Yes, but not cost effective

Bob Kowalsky – Questioned Cost Effective

**Meeting adjourned at 6:56 p.m.**

**PERSONNEL RELATIONS – Christopher L. Biro**

- The Personnel Relations Committee has not met; therefore no formal report was given.

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

- The Working Committee of Council has not met; therefore no formal report was given.
- Minutes of the May 9<sup>th</sup> Working Committee of Council held in Washington, D.C. with the FAA and the Postal Service are now available.

## **OTHER COUNCIL REPRESENTATIVE REPORTS**

- Councilman Somich stated that the Bishop Road Task Force has not held a formal meeting, but would like to provide an update on the Bishop Road Area with respect to the “yellow barrels” and why the road is not yet done. Although the City Engineer reported that there were some problems with concrete cracks that needed to be repaired but the main point that Councilman Somich wanted share is that there has been an extension granted from ODOT on the project and the new project end date is officially August 11th due to the various repairs and road striping that has to be done, so we have an additional six (6) weeks before the project is finally completed.

**Councilman Reichelt wanted to point out that the project repairs are being done at the contractor’s expense.**

**Councilman Somich stated that he is very pleased that ODOT was very strong in demanding that everything be done properly, on time and efficiently and without additional cost to the City.**

**Councilman Biro wanted to thank the following Members of the Charter Review Commission: Linda Fulton, Joyce Grady, Andy Gardner, Billie Kamis, Tony Manfredi, James Shannon, Pete Corbissaro, and Dale Fellows for serving on the Commission.**

## **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 7:30 p.m.**

1. Frank Cihula

Chair of the Willoughby Hills Historical Society

Re: Publicly thanked the Mayor’s Assistant for the handwork that she put into the Goodbye to Garfield Program held this past Saturday; announced that the Willoughby Hills Historical Society will have the cabin open during Community Day this coming Saturday, pictures of Garfield School will be on display; announced that there will also be a Historical Tour held during Community Day

2. Robert Kowalsky

2585 Timberline Drive

Re: Plain Dealer Article: Airport receives FAA Grant for Noise Study; is this what is in store for us?  
Open the door for negotiation

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

## **UNFINISHED BUSINESS**

- **President Malecek passed the gavel to Vice President Reichelt in order to make a statement. President Malecek stated that the City’s position has been greatly improved by the fact that at the first sign of economic calamity, Flight Options immediately shuts down their maintenance operations and cuts 300 jobs at the Airport. President Malecek further stated that the City’s position has been greatly improved and the Cuyahoga Commissioners and Flight Options are going to have a difficult argument for expanding the Cuyahoga County Airport at this point. Vice President Reichelt returned the gavel to President Malecek.**
- **Law Director Lobe responded to Mr. Kowalsky’s comments with respect to the City’s stance on the Cuyahoga County Airport and what steps have been taken proactively by the City to stop the expansion of the Airport.**

## LEGISLATION

### **ORDINANCE NO. 2008-49 – Second Reading**

AN ORDINANCE AMENDING PART FIVE – GENERAL OFFENSES CODE, CHAPTER 509 DISORDERLY CONDUCT AND PEACE DISTURBANCE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS BY THE ADDITION OF SECTION 509.11 – DISTURBING THE PEACE; CONSTRUCTION AND LAWN CUTTING HOURS AND DECLARING AN EMERGENCY.

**President Malecek stated that Ordinance No. 2008-49 will remain on Second Reading.**

### **ORDINANCE NO. 2008-50**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SODIUM CHLORIDE (ROCK SALT) REQUIREMENTS FOR THE 2008-2009 WINTER SEASON AND DECLARING AN EMERGENCY.

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2008-50.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Ordinance No. 2008-50 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Reichelt to adopt Ordinance No. 2008-50.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Malecek stated that Ordinance No. 2008-50 has been adopted.**

## NEW BUSINESS

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Reichelt to authorize and direct the Mayor to draft a letter to CCA informing them of the City's intent to withdrawal from their services for income tax and switching over to RITA.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek stated that the Mayor is hereby authorized and directed to draft a letter to CCA.**

## FOR THE GOOD OF THE ORDER

- Councilman Somich wanted to mention the City's Community Day being held on June 28<sup>th</sup> – this would be the best opportunity for everyone to get an early start on a fire works show.
- Councilman Reichelt wanted to remind everyone again of the Garfield School Garage Sale being held this Friday, there are some unbelievable items up for sale.

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Reichelt to adjourn into Executive Session to discuss pending litigation Miles vs. City of Willoughby Hills, inviting the members of Council, the Mayor, the Law Director and the Finance Director.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Council would adjourn into Executive Session at 7:44 p.m.**

**Council reconvened at 7:59 p.m. with all Members of Council present.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Riechelt to adjourn.

**Roll Call: 7AYES – unanimous**

**MOTION PASSES**

Meeting adjourned at 8:00 p.m.

APPROVED:

September 11, 2008  
Date

ATTEST:

Victoria Ann Savage  
Victoria Ann Savage  
Clerk of Council

Kevin D. Malecek  
Kevin D. Malecek  
President of Council