

City of Willoughby Hills

Special Council Meeting

Minutes of May 11, 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 Council

Pledge of Allegiance

Roll Call of Council

Members Present: 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, Councilwoman Nancy E. Fellows

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

Disposition of the Journal Regular Council Meeting of April 23, 2009

President Malecek stated that the Minutes of the Regular Council Meeting of April 23, 2009 will be addressed at the next Regular Council Meeting of May 28, 2009.

Correspondence

- Robert Weger, Mayor to Mayor of the City of Euclid, dated April 23, 2009 re: City of Willoughby Hills/Request to Reinstate Service to a Portion of the City
- Robert Weger, Mayor to Deputy Director/Northeast Ohio Regional Sewer District, dated April 23, 2009 re: City of Willoughby Hills/Withdrawal of Request to Service a Portion of the City
- Mayor's Monthly Statement to Council for April 2009
- City Engineer's Status Report for May 2009
- Richard J. Iafelice, City Engineer to Mayor Robert M. Weger and Members of Council, dated May 6, 2009 re: Euclid Creek Tributary Watershed (ECTW) Area "C" Sanitary Sewer District Improvements and Willow Lane Sanitary Sewer District Improvements Assessment Information

Notifications

- Board of Building & Zoning Appeals Notification that the Board will not meet May 12th as there were no appeals received
- Planning and Zoning Commission & Architectural Board of Review Meeting of May 7, 2009
- Utilities Committee Meeting of May 2, 2009

Minutes

- **Ad-Hoc Committee of Council Meeting of May 4, 2009**
- Recreation Commission Meeting of March 3, 2009
- **Utilities Committee Meeting of May 2, 2009**

On File

- **FINANCIAL REPORTS: CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING MARCH 2009**
- Cities and Villages for March/April 2009

MAYOR'S REPORT – Robert M. Weger

Mayor's Report consisted of the following topics:

Services

- Reported Results of the Special Election for Ballot Issue 1
- Establishment of Coalition
- Steven LaTourette Conference for Elected Officials to be held May 15th - will be meeting with FAA Officials to discuss expansion of the Cuyahoga County Airport
- Paving of Bishop Road

Acknowledgements

- Police Chief Collins attended Northwestern Institute/Command Leadership Course
- WHISPER Volunteers

Events

- May is the Month for Poppy Sales – VFW will be selling Poppies
- 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 – Thomas G. Lobe, L.L.P.

- Commented on Ordinance No. 2009-53 and on Resolution No. 2009-9 as drafted

FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel

- No formal report was given.

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

- Resolution No. 2009-7 and Resolution No. 2009-8
- Notification of Tentative Sewer Assessments
- Formation of Assessment Equalization Board
- Public Meetings for Assessment Area C
- Smoke Testing for Allan/Meadowbrook Area/Winchester Hills Apartments
- Referenced Status Report for Month of May

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.

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

- The Rules and Legislation Committee has not met; therefore no formal report was given.

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

- The Service Committee has not met; therefore, no formal report was given.
- Announced that the Service Committee will meet to discuss: Illicit Discharge and Illegal Connection, Recycling and Trash Program and Entry Sign at 91 (Classic/Cleveland Clinic)

UTILITIES – Frank A. Germano, Chair

Committee Members:

Nancy E. Fellows, Raymond C. Somich

COMMITTEE MEETING OF MAY 2, 2009

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

Also Present: Councilman David M. Fiebig, Councilman David A. Reichelt, City Engineer Richard Iafelice, Assistant City Engineer John Topolski

Purpose of the Meeting was to discuss Assessment Methodology for Area C and any other business.

Meeting convened at 8:02 p.m.

Order of Business

Swagelock Property – Unit based on tax appraisal as of today's value

Zigman Property – no change

Properties with deep lots were revised

Landlock Properties were given a "Unit" by the number of surrounding divisible properties

Consensus to accept the Methodology as submitted with changes to properties numbered 53, 61 and 81

Public Portion

Public Portion was opened at 8:45 p.m.

Frank Cihula questioned the Swagelack Property

Bob Kowalsky – Cuyahoga County Exemption

Meeting was adjourned at 8:49 p.m.

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.
- Announced that the Committee will be meeting to discuss Union Contract Negotiations.

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

- The Working Committee of Council has not met; therefore no formal report was given.
- President Malecek announced that the Administration and many Members of Council will be meeting in Washington, D.C. with representatives from the FAA.

OTHER COUNCIL REPRESENTATIVE REPORTS

- Councilman Biro provided the following report on the Ad-Hoc Committee Meeting of May 4, 2009

COMMITTEE MEETING OF MAY 4, 2009

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

Also Present: Mayor Scott Colman of Highland Heights, Council President Scott Mills of Highland Heights,

Councilwoman Cathy Murphy of Highland Heights, Council President David Roache of Richmond Heights, Law Director Todd Hunt of Richmond Heights
Purpose of the Meeting was to discuss Cuyahoga County Airport and any other business.
The meeting was held at the Willoughby Hills Community Center and convened at 7:00 p.m.
<i>Order of Business</i>
Power-Point presentation given to address area concerns about Airport Expansion plans after Cuyahoga county Commissioners forwarded Airport Master Plan Update to FAA on February 12, 2009. Presentation included: <ul style="list-style-type: none"> - Brief History of Airport - Recommendations by David W. Zoll - WH Position Statement and Plan of Action to address opposition of CCA expansion - Forming Unified Coalition with Cities of Willoughby Hills, Richmond Heights and Highland Heights in order to better fight expansion - Role of FAA in Airport Master Plan - Time Frame for Planning Process and Construction
<i>Public Portion</i>
Public Portion was opened at 8:30 p.m. Numerous residents from Willoughby Hills, Highland Heights, and Richmond Heights came forward to ask questions and voice concerns about airport noise, flight path and expansion.
Meeting adjourned at 9:26 p.m.

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 7:37 p.m.

1. Robert Kowalsky
2585 Timberline Drive
Re: Funds 251 & 291; Airport Issue

Public Portion was closed at 7:44 p.m.

UNFINISHED BUSINESS

- President Malecek passed the gavel to Vice President Reichelt in order to respond briefly to Mr. Kowalsky's comments pertaining to Funds 251 and 291.
- Vice President Reichelt returned the gavel to President Malecek and the meeting continued.

LEGISLATION

ORDINANCE NO. 2009-29 – THIRD READING

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 stated that Ordinance No. 2009-29 will remain on Third Reading.

ORDINANCE NO. 2009-51

AN ORDINANCE AMENDING ORDINANCE NO. 2009-39 PROVIDING FOR THE COMPENSATION OF THE PART TIME MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2009-51.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-51 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to adopt Ordinance No. 2009-51.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-51 has been adopted.

ORDINANCE NO. 2009-52

AN ORDINANCE ESTABLISHING AN OPEN RECORDS MISSION STATEMENT, A STATEMENT OF PRINCIPLES AND A PUBLIC RECORDS POLICY IN ACCORDANCE WITH OHIO'S PUBLIC RECORDS ACT TO PROMOTE OPEN AND ACCOUNTABLE GOVERNMENT.

President Malecek stated that Ordinance No. 2009-52 will remain on First Reading and will be further reviewed by the Rules and Legislation Committee.

ORDINANCE NO. 2009-53

AN ORDINANCE ASSERTING THE CITY OF WILLOUGHBY HILLS' LEGAL RIGHT TO KEEP BISHOP ROAD AS IT NOW EXISTS, FREE FROM APPROPRIATION ON A BASIS OF A RIGHT WHICH IS EXPRESSED SPECIFICALLY WITHIN THE FRAME OF SECTION III, ARTICLE 18 OF THE OHIO CONSTITUTION.

President Malecek stated that Ordinance No. 2009-53 will remain on First Reading and has been referred to the Ad-Hoc Committee of Council.

RESOLUTION NO. 2009-7

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETS AND CERTAIN MUNICIPAL EASEMENTS IDENTIFIED IN EXHIBIT "A" BY CONSTRUCTING AN 8-INCH SANITARY SEWER, PUMP STATIONS, AND FORCE MAINS; TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Two Day Notification for Resolution No. 2009-7.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that the Two Day Notification Rule for Resolution No. 2009-7 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Resolution No. 2009-7.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Resolution No. 2009-7 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Resolution No. 2009-7.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Resolution No. 2009-7 has been adopted.

RESOLUTION NO. 2009-8

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETS AND CERTAIN MUNICIPAL EASEMENTS IDENTIFIED IN EXHIBIT "A" BY CONSTRUCTING 6-INCH SANITARY LATERAL CONNECTIONS; TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, FOR THE WILLOW LANE SANITARY SEWER DISTRICT AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Two Day Notification for Resolution No. 2009-8.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that the Two Day Notification Rule for Resolution No. 2009-8 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to suspend the Three Reading Rule for Resolution No. 2009-8.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Resolution No. 2009-8 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to adopt Resolution No. 2009-8.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Resolution No. 2009-8 has been adopted.

RESOLUTION NO. 2009-9

A RESOLUTION TO WORK WITH OTHER AREA LOCAL GOVERNMENTS IN FORMING A UNIFIED COALITION AGAINST EXPANSION OF THE CUYAHOGA COUNTY AIRPORT.

President Malecek stated that Resolution No. 2009-9 will remain on First Reading and has been referred to the Ad-Hoc Committee of Council.

NEW BUSINESS

- **The City Engineer reported on Pre-Applicant for Ohio Public Works Commission – Round 24 – Recommendation of Projects**

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to form an Equalizations Board to hear objections relative to the improvement of certain streets and municipal easements within the ECTW Assessment Area “C” Sewer District and the Willow Lane Sanitary Sewer District.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that an Equalization Board for Assessment Area C has been established.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to appoint Joe Zawatski, Billie Kamis and Ron Caporossi to serve on the Equalization Board to hear objections relative to the improvement of certain streets and municipal easements within the ECTW Assessment Area “C” Sewer District and the Willow lane Sanitary Sewer District.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Joe Zawatski, Billie Kamis and Ron Caporossi have been appointed to serve on the Equalization Board to hear objections relative to Assessment Area C.

FOR THE GOOD OF THE ORDER

- Mayor Weger announced that the dirt pile located on a subplot in Pleasant Valley will be moved
- Councilman Fiebig gave kudos with respect to the Cleveland City Music performance recently held
- Councilman Fiebig announced the Willoughby Hills Historically Society Meeting
- Councilman Somich reminded everyone of the Lake County Council on Aging Annual Senior Day
- Councilman Somich reminded everyone of the City’s Memorial Day Ceremony
- Councilman Somich announced Clean, Green, and Glean Contest
- Councilman Biro welcomed new business “Scooby Doo” Ice Cream

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 7:55 p.m.

APPROVED: _____
Date

Kevin D. Malecek
President of Council

ATTEST: _____
Victoria Ann Savage, CMC
Clerk of Council