

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
NANCY E. FELLOWS
DAVID M. FIEBIG
FRANK A. GERMANO
RAYMOND C. SOMICH

Regular Council Meeting

Minutes of May 28, 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 Frank A. Germano, President Kevin D. Malecek, Vice President David A. Reichelt, Councilman Raymond C. Somich, Councilman Christopher L. Biro, Councilman David M. Fiebig

Absent: 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

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to excuse Councilwoman Nancy E. Fellows.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that Councilwoman Nancy E. Fellows has been excused from the Regular Council Meeting of May 28, 2009.

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

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to approve the the Regular Council Meeting Minutes of April 23, 2009 as submitted.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that the Regular Council Meeting Minutes of April 23, 2009 have been approved as submitted.

Correspondence

- **Email** from Nikki Matala, Executive Director of Willoughby Area Chamber of Commerce to Mayor, Council President and Clerk of Council, dated May 8, 2009
- **Email** from Law Director Thomas Lobe to Clerk of Council, dated May 12, 2009 re: Cuyahoga County Airport along with **Email** from David W. Zoll of Zoll, Kranz & Borgess, LLC dated May 12, 2009 re: Cuyahoga County Airport

Notifications

- Planning and Zoning Commission & Architectural Board of Review Meeting of May 21, 2009
- Working Committee of Council Meeting of May 15, 2009

Minutes

- Planning and Zoning Committee & Architectural Board of Review Meeting of April 2, 2009
- Planning and Zoning Committee & Architectural Board of Review Meeting of April 16, 2009

On File

- **FINANCIAL REPORTS: CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING APRIL 2009**
- The Housing Research & Advocacy Center to Clerk of Council, dated May 2009 re: State of Fair Housing in Northeast Ohio: April 2009

MAYOR'S REPORT – Robert M. Weger

Mayor's Report consisted of the following topics:

- Representative Steven LaTourette Elected Officials Seminar held May 15th - met with FAA Officials to discuss expansion of the Cuyahoga County Airport also in attendance were representatives from Highland Heights, Richmond Heights and Mayfield Village
- Assessment Area C Public Meetings – June 23rd and June 30th
- Attended Lake County Council on Aging 2009 Hall of Fame

Acknowledgements

- Thanked everyone involved with the City's Memorial Day Ceremony
- Resident Brichford celebrated 100th Birthday
- Harvest for Hunger Campaign Drive
- WHISPER Volunteers
- New Business - "Skoopy Doo's" Ice Cream

Events

- VFW –Spaghetti Dinner – June 7th from 4:00 p.m. – 6:00 p.m.
- VFW – Torn & Tattered Flag Ceremony – June 14th
- Willoughby Hills Day at Lake County Captains Stadium scheduled for Flag Day, Sunday, June 14th
- Willoughby Hills Fall Corn Fest to be held on September 12th and 13th

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

- Requested that the Agenda for this evening's meeting be amended in order that Council may consider Ordinance No. 2009-54 , Ordinance No. 2009-55, and Ordinance No. 2009-56 . These Ordinances are required in order to proceed with the sale of the Martin Road property.

FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel

- Financial Reports for the month ending April 2009 have been distributed to Council
- Received \$200,000 in notes from US Bank with a rating of 2.375

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

- Tentative Sewer Assessments Notifications
- Public Meetings for Assessment Area C set for June 23rd and June 30th
- Objection Process
- Revert the decision on White Road
- St. Noel's Church looking to eliminate Pump Station and connect with City
- Cleveland Metro Parks have been assessed (Manakiki) and are scheduled to connect in 2010
- Utilities Committee Meeting to be called to address Low Interest Program to assist home owners with laterals, the City to act as financier
- OPWC – Round 23 – Grant Agreements for Bishop Road (50% Share) and Maple Grove (50% Share)
- SOM Widening Road Project not going to happen within this year due to the regulations associated with the Federal Stimulus Funding for this project
- Supports passage of Ordinance No. 2009-54, Ordinance No. 2009-55 and Ordinance No. 2009-56

Law Director provided further details on the Assessment Equalization Public Hearing and the Objection Process.

COMMITTEE REPORTS

FINANCE – Raymond C. Somich, Chair

Committee Members:

Nancy E. Fellows, David A. Reichelt

COMMITTEE MEETING OF MAY 28, 2009

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

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

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

Meeting convened at 6:30 p.m.

Public Portion

1. Public Portion was opened at 6:30 p.m.

Frank Cihula – Garfield School Donations relative to the accounting and disposition of the donations

Robert Kowalsky – Economic Development of the West-end Businesses

Public Portion was closed at 6:40 p.m.

Order of Business

2. Status of Audits – requested but not aware of schedule

3. Concerns about April Monthly Financial Reports/Conditions

No reporting concerns

Tightening budgets

City revenues down – perhaps due to change from CCA to RITA

4. Euclid Newspaper Article on Past Due City Tax collections/Amnesty

Maybe to be considered later this year

5. Road Levy Renewal

July 23, 2009 – Resolution to County to Certify Tax Valuations

August 13th or 20th – Ordinance for submitting Levy to the Electors on November 3, 2009 Ballot

Levy would be effective for a five year tax period from 2010 to 2015

Anticipated revenue for Road Levy in 2009 is \$759,107

6. Very Preliminary Discussion on Feasibility of Other Tax Levies – for Police/Safety

City estimates a 3% reduction in the WH tax valuation from a total of \$306,546,055 to a new total value of \$297,350,000

A one mill levy will generate approximately \$297,350

A 2.5 mill levy will generate \$743,375

7. Levy Alternatives: Expense Cutbacks/Sponsor Revenue (?)

8. Economic Development Incentives for City Businesses/Task Force

Materials to be reviewed

Meeting was adjourned at 7:00 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.
- As a result of the passage of **Ordinance No. 2009-15**, the Planning Commission is in the process of establishing Standards/Guidelines for Pole Signs, the Planning & Zoning Committee will review said Standards.

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.
- The Rules and Legislation Committee will be meeting on Monday, June 8th.

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.
- Announced that the Dispatch/IT Project was progressing nicely.

SERVICE – Nancy E. Fellows, Chair

Committee Members: Christopher L. Biro, Frank A. Germano

- Councilwoman Fellows was absent; therefore no formal report was given.
- President Malecek announced that the Service Committee will meet to further discuss Illicit Discharge and Illegal Connection and a City Recycling and Trash Program.

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 a Utilities Committee will be called.

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

COMMITTEE MEETING OF MAY 15, 2009

Members Present: Councilman Christopher L. Biro, Chair, Councilman David M. Fiebig, Councilman David A. Reichelt, President Kevin D. Malecek, Councilman Raymond C. Somich, Mayor Robert M. Weger, Law Director Thomas G. Lobe

Also Present: Highland Heights, Richmond Heights, Village of Mayfield

Purpose of the Meeting was to discuss Cuyahoga County Airport and any other business.

The meeting was held in Washington, D.C. and convened at 2:30 p.m.

Order of Business

The following is a brief synopsis of the meeting: It was a very constructive dialogue that we had with the FAA. Once again, we were informed of their procedures regarding the Environmental Review which we were told, once again is the next place for us to file our objections and continue to debate the runway expansion so we will be doing so as well as the other activities that we have undertaken regards to the Coalition and other efforts to combat airport runway expansion. We were lucky to have representation from four cities there, not only from Willoughby Hills, but from the City of Richmond Heights, the City of Highland Heights and also the Village of Mayfield, Mayor Rinker was able to join us as well. It was very constructive discussion, a lot of good dialogue. One of the most effective things that we did was to once again let them know that we expect and are fully ready to be a part of the conversation regarding the expansion of this airport, unlike the last time when we were not involved with Cuyahoga County Airport Master Plan. That is one thing that we made sure the FAA was aware of.

Meeting adjourned at 3:45 p.m.

OTHER COUNCIL REPRESENTATIVE REPORTS

- Councilman Reichelt serving as the City's Representative (appointed by the Mayor on October 9, 2008) reported on the Noise Abatement Committee Meeting held on May 13th at 10:00 a.m. and took place at the Cuyahoga County Airport. Representatives included: most of the airport tenants, air traffic control tower staff, and Airport Administrative Staff. City representation included: Highland Heights, Richmond Heights, and Willoughby Hills.

- Councilman Reichelt stated that he was appointed to serve as Chairman of the Noise Abatement Committee for the coming year.
- Councilman Reichelt changed the meeting schedule; the Committee will meet quarterly rather than semi-annually.
- Councilman Reichelt announced that he is working on reaffirmation of the Noise Abatement Policy and Procedures and also a joint statement of acknowledgement of the airport tenants, including their corporate directors of this new noise abatement policy which again will be voluntary; looking for ratification and to publicize it.

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. Joyce Grady
3020 Marculm Boulevard
Re: Thanked Council and Administration for going to Washington, D.C.; Thanked everyone for the speed bumps on Marcum Boulevard and looks forward to the Road Levy dissolving those the bumps
2. Murry Seldon
28846 Eddy Road
Re: Who is responsible for Fire Hydrants; Light Signalization on SOM Center Road (Route 91); WH monthly maintenance fee of \$14.00 per resident, where is that money going?
3. Robert Kowalsky
2585 Timberline Drive
Re: Illicit funds; Lack of City Records; Attendance of City officials at the CCA Noise Abatement Meeting. City should bring lawsuit against the Cuyahoga County Commissioners/CCA

Airport

Public Portion was closed at 7:46 p.m.

UNFINISHED BUSINESS

- President Malecek passed the gavel to Vice President Reichelt in order to respond briefly to Mr. Seldon's question pertaining to the light signalization. Vice President Reichelt returned the gavel to President Malecek
- Mayor Weger addressed the issue of the fire hydrants – there are approximately 1300 hydrants, last year the City sandblasted and painted over a hundred of them; the City is going to continue with the project, it is just that they have been let go over the last ten years and the City can't afford to do them all at one time. The color of the hydrants will be red, not yellow.
- Councilman Reichelt further commented on the light signalization on SOM Center (Route 91)
- Councilman Fiebig addressed Mr. Kowalsky's comments on the Noise Abatement Meeting.
- Law Director provided information with respect to fund 251 and fund 291 and the appointment of an Internal Auditor to address the City's financial issues.
- Councilman Biro addressed Mr. Kowalsky's comments with respect to attendance at the Noise Abatement Meeting
- Councilman Somich commented on the appointment of Councilman Reichelt to serve on the Noise Abatement Committee; Councilman Reichelt will represent the City well, his influence will benefit the City.
- Councilman Reichelt stated that he will no longer spend time addressing the opinions and commentary provided by Mr. Kowalsky.

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 and will be considered at the next Service Committee Meeting.

ORDINANCE NO. 2009-52 – SECOND READING

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 Second Reading and will be considered at the Rules & Legislation Committee Meeting of June 8th.

RESOLUTION NO. 2009-10

A RESOLUTION APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATIVE TO THE IMPROVEMENT OF CERTAIN STREETS AND MUNICIPAL EASEMENTS BY CONSTRUCTING AN 8-INCH SEWER, PUMP STATIONS AND FORCE MAINS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO (ECTW AREA "C"), AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2009-10.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Resolution No. 2009-10 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Reichelt to adopt Resolution No. 2009-10.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that Resolution No. 2009-10 has been adopted.

RESOLUTION NO. 2009-11

A RESOLUTION APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATIVE TO THE IMPROVEMENT OF CERTAIN STREETS AND MUNICIPAL EASEMENTS 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 SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2009-11.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Resolution No. 2009-11 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to adopt Resolution No. 2009-11.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that Resolution No. 2009-11 has been adopted.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to amend the Agenda to include the consideration of Ordinance No. 2009-54, Ordinance No. 2009-55 and Ordinance No. 2009-56.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that this evening's Agenda has been amended for the inclusion of Ordinance No. 2009-54, Ordinance No. 2009-55 and Ordinance No. 56, pursuant to the request of the Law Director.

ORDINANCE NO. 2009-54

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN A RELEASE OF EASEMENT WITH SAID EASEMENT INITIALLY GRANTED TO THE VILLAGE OF WILLOUGHBY HILLS AND RECORDED IN VOLUME 485, PAGE 639 OF THE LAKE COUNTY RECORDS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Two Day Notification Rule for Ordinance No. 2009-54.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that the Two Day Notification for Ordinance No. 2009-54 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2009-54.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-54 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to adopt Ordinance No. 2009-54.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-54 has been adopted.

ORDINANCE NO. 2009-55

AN ORDINANCE ACCEPTING THE RELEASE OF AN EASEMENT IN WILLOUGHBY HILLS INITIALLY GRANTED TO THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, OHIO AND RECORDED IN VOLUME 580, PAGE 196 OF THE LAKE COUNTY RECORDS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to suspend the Two Day Notification for Ordinance No. 2009-55.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that the Two Day Notification Rule for Ordinance No. 2009-55 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2009-55.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-55 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to adopt Ordinance No. 2009-55.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-55 has been adopted.

ORDINANCE NO. 2009-56

AN ORDINANCE ACCEPTING A STORM WATER DRAINAGE EASEMENT FOR THE USE, MAINTENANCE AND REPAIR OF A STORM SEWER TILE AND DRAINAGE DITCH LOCATED ACROSS A PORTION OF THE PROPERTY WITH A MAILING ADDRESS OF 35360 MARTIN ROAD, WILLOUGHBY HILLS, OHIO AS GRANTED TO THE CITY OF WILLOUGHBY HILLS BY JOSEPH K. DA PRANO AND DENISE A. BOTHE AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Two Day Notification for Ordinance No. 2009-56.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that the Two Day Notification Rule for Ordinance No. 2009-56 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2009-56.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-56 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to adopt Ordinance No. 2009-56.

Roll Call: 6 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-56 has been adopted.

NEW BUSINESS

- There was no "New Business" brought forth to Council.

FOR THE GOOD OF THE ORDER

- Councilman Somich announced the first J & J Memorial Pins and Skins Golf Tournament in honor of Cpl. Joshua Harmon and his friend Cpl. Jayme Vines to be held at Quail Hollow Country Club on May 30, 2009
- Councilman Somich announced that Breckenridge Village, a prominent Lake County non-profit organization will be celebrating a 30th Year Anniversary by hosting an Open House scheduled for Saturday, June 6th.
- Councilman Somich announced performance to be given by Apollo's Fire (Baroque Orchestra) to be held at St. Noel's Church on June 11th at 7:30 p.m.
- Councilman Fiebig announced that the City's Baseball Leagues are in full swing.
- Councilman Reichelt reminded everyone again of WH Appreciate Day at Lake County Captains Stadium scheduled for Flay Day, Sunday, June 14th.
- Councilman Reichelt announced that on Flay Day, Sunday, June 14th the VFW will hold a Ceremony at 5:00 p.m. to properly dispose of warned, torn and tattered flags

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to adjourn until the next Regular Council Meeting.

Roll Call: 6 AYES - unanimous

MOTION PASSES

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

Meeting adjourned at 8:13 p.m.

APPROVED: _____
Date

Kevin D. Malecek
President of Council

ATTEST: _____
Victoria Ann Savage, CMC
Clerk of Council