

City of Willoughby Hills

Regular Council Meeting Minutes of October 9, 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.

7:00 p.m. Meeting called to order by President of Council Kevin D. Malecek

Pledge of Allegiance

Roll Call of Council

Members Present: President of Council Kevin D. Malecek, 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

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 September 11, 2008**

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to approve the Regular Council Meeting Minutes of September 11, 2008 as submitted.

Roll Call: **6 AYES w/Councilman Christopher L. Biro abstaining** **MOTION PASSES**
President Malecek declared that the Regular Council Meeting Minutes of September 11, 2008 have been approved as submitted.

Correspondence

- Mayor's Monthly Statement to Council Month Ending September 2008
- Letter from Councilman David A. Reichelt to Kevin Delaney, Manager/Cuyahoga County Airport, dated September 30, 2008 re: Cuyahoga County Airport Noise Abatement Council
- Letter from Richard Iafelice, City Engineer to Project Coordinator/Ohio Environmental Protection Agency – DEFA, dated September 25, 2008 re: City of Willoughby Hills/Assessment Area "C" – General Plan Addendum No. 3/WPCLF Loan No. CS392310-04
- Memorandum from Richard Iafelice, City Engineer to Members of Council, dated September 30, 2008 re: Euclid Creek Tributary Field Investigations
- Memorandum from Richard Iafelice, City Engineer to Honorable Robert Weger and Members of Council, dated September 30, 2008, re: Green Ridge Sanitary Sewer System/Ohio EPA Review and Recommendations
- Memorandum from Richard Iafelice, City Engineer to Members of Council, dated September 30, 2008 re: Fact Summary and Recommendation/2832 Orchard Drive
- Richard Iafelice to Honorable Robert Weger and Members of Council, re: October Status Report
- Interoffice Memo from Gloria Majeski, Mayor's Assistant to Members of Council, dated September 25, 2008 re: Summary of Cuyahoga County Airport Noise Abatement Council Meeting of September 24, 2008

- Letter from Robert Kowalsky to the City of Willoughby Hills, c/o Mayor Weger and copied to the Members of Council dated October 1, 2008 re: Charter Amendments Public Information Sessions
- **FINANCIAL REPORTS: CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR MONTH ENDING SEPTEMBER 2008**

Notifications

- Civil Service Commission Meeting of October 21, 2008
- Planning & Zoning Commission and Architectural Board of Review Meeting of October 2, 2008
- Rules & Legislation Committee Meeting of October 6, 2008
- Safety Committee Meeting of October 6, 2008
- **BOARD OF BUILDING & ZONING APPEALS NOTIFICATION: BZA WILL NOT MEET IN OCTOBER**
- **RECREATION COMMISSION MEETING CHANGE NOTIFICATION: THE NOVEMBER RECREATION COMMISSION MEETING HAS BEEN RESCHEDULED FOR WEDNESDAY, NOVEMBER 5, 2008**

Minutes

- Planning and Zoning Commission & Architectural Board of Review Meeting Minutes for September 4, 2008
- Planning and Zoning Commission & Architectural Board of Review Meeting Minutes for September 18, 2008
- ***Planning & Zoning Committee Meeting of September 30, 2008***
- Recreation Commission Meeting Minutes of July 1, 2008
- ***Rules and Legislation Committee Meeting of October 6, 2008***
- ***Safety Committee Meeting of October 6, 2008***
- **BOARD OF BUILDING AND ZONING APPEALS MEETING MINUTES OF AUGUST 12, 2008**

MAYOR'S REPORT – Robert M. Weger

- The Mayor reported on the following City Services and Events:
 - Ballot Information – Town Hall Meetings to be held at 7:00 p.m. on October 13th and October 27th
 - CityMusic – Willoughby Hills to be added to their Spring Schedule
 - Flu Shot Updates
 - Orange Garbage Bags on Sale – Price Increase – \$13.00 for 5 (30 gallon bags)
 - Friends of Willoughby Hills Church celebrated 125th Anniversary
 - Councilman David Reichelt appointed to serve on the CCA Noise Abatement Council
 - City Awarded \$6,000 Grant
 - Bogey's Comedy Club – Grand Opening October 15th
- **Upcoming City Events**
 - October 11th – Craft Fair to be held at the WH Community Center
 - October 15th – Youth Depression and Suicide Seminar at Willoughby Middle School
 - October 21st – Willoughby Hills Health Fair to be held at the WH Community Center
 - October 26th – Halloween Party to be held at the WH Community Center
 - October 31st – City's Trick or Tricking
 - November 11th – Veteran's Day
 - November 14th – Joshua's Jam
 - Christmas Lane to be set up after Thanksgiving
 - December 13th Breakfast with Santa to be held at the WH Community Center
- **Legislation**
 - Ordinance No. 2008-76

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

- No formal Report was given.

FINANCE DIRECTOR – Joseph G. Mirtel

- Referenced the distribution of the Financial Reports of September 2008 to the Mayor and Council

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

- Referenced Status Report of October 2008
- Ordinance No. 2008-74 – Correction of Sewer Assessment for 2832 Orchard Drive
- Lake County Stormwater Management Department – 319 Stream Restoration Grant at Kennely/Red Fox Pass– Property owners reluctant to grant easements
- Area Assessment C — Critical Phase/ Time Table – Release of Funds
- Resolution to Support Balance Growth Plan Initiative – Chagrin River Watershed
- Illicit Discharge Ordinance – City Engineer to distribute an updated version to Council

COMMITTEE REPORTS

FINANCE – Raymond C. Somich

- The Finance Committee has not met; therefore no formal report was given.
- **Complimented the Finance Director on his good work in processing and producing City Financial Reports.**

PLANNING & ZONING – David A. Reichelt

COMMITTEE MEETING OF SEPTEMBER 30, 2008

Members Present: Chairman David A. Reichelt, Councilman David M. Fiebig, Councilman Frank A. Germano

Also Present: Mayor Robert M. Weger, City Engineer Richard Iafelice, Chair of the Planning Commission Charlotte Schryer and several other interested guests

Purpose of the Meeting was to review Discussion of the Priority Conservation and Development Area Map and any other business.

Meeting convened at 7:05 p.m.

- Presentation was made by Amy Brendan, Director of the Chagrin River Watershed Partners and the presentation dealt with priority development area and the priority conservation area; destinations that are going to be placed on a map and submitted to, potential to the State, to receive funding efforts in those areas. The entire meeting was open to the public; questions were taken and addressed throughout the meeting.

Meeting Adjourned at 8:15 p.m.

RECREATION – David M. Fiebig

- The Recreation Committee has not met; therefore no formal report was given.
- **Announced that a Recreation Committee Meeting will be held on Monday, October 20th at 6:30 p.m.**

RULES & LEGISLATION – President Kevin D. Malecek

COMMITTEE MEETING OF OCTOBER 6, 2008

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

Also Present: Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Mayor Robert M. Weger

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

Meeting Convened at 6:35 p.m.

2008-74: Clerical Error in Assessment

Property was assessed at a benefit unit, but was already tied into the sewer – everything is status quo– no benefit unit.

Consensus to waive Three Reading Rule and Adopt at the Regular Council of October 9th .

2008-75: Fire Prevention Code Amendments

Added B, C, D, E – lifted directly from Ohio Code – what may not be burned in the City – open burnings that

release toxic fumes – limit in times of EPA emergency/health alert/air pollution warnings.

Would like to insert leaves – under agricultural waste – can be burned with permission.

Section “B” – strike “3. Dead Animals.” Section B – reword beginning: “The following materials may not be burned in the Municipality:” Strike Section E. Strike first sentence of Section C, remove the word “therefore” and add “when” instead of “of” in second sentence.

Consensus to waive Three Reading Rule with changes outlined above and Adopt at the Regular Council Meeting of October 9th.

Ongoing Discussion of Exterior Maintenance Code

Reichelt – all for option of the International Code as is – several other cities around us have done the same thing. Once we develop a consensus – put the numbers in the Code. Grass no higher than blank, weeds no higher than blank. Commercial Maintenance Code to be repealed in this case. Biro – many surrounding communities are adopting this and it is complaint driven – includes an appeals process – and it includes residential. Reichelt – goes into great detail and been a true and tested procedure. Fred Wyss – Building Inspector is supportive of this – a few variables need to be implemented. Fiebig – would you have to subscribe to updates. Weger – we would be adopting the 2006 Code. Modifying with variables within the Ordinance – we do not reprint the entire code within the green book. Reichelt – still a public document – still kind of a waste – someone else gets their hand on it. Fiebig – 103.1 – Department of Public Inspection created – is there a component of property maintenance inspection?

Special Rules Committee inviting Fred Wyss to talk about specifics regarding the *draft* Code – will take place in the coming weeks.

Public Portion

Frank Cihula – only received the Code last week – read a couple pages – very serious overkill – two problems technically in first six pages – Mayor appoints Maintenance Code Official – cannot be removed from office – unless certain procedures are followed. Can’t transfer the property.

Meeting adjourned at 7:14 p.m.

SAFETY – David A. Reichelt

COMMITTEE MEETING OF OCTOBER 6, 2008

Members Present: Chairman David A. Reichelt, Councilman Christopher L. Biro, Councilman David M. Fiebig

Also Present: Councilwoman Nancy E. Fellows, Councilman Frank G. Germano, President Kevin D. Malecek, Mayor Robert M. Weger

Purpose of the Meeting was to review Continued Discussion on Security Policies and any other business.

Meeting convened at 7:15 p.m.

- A *Public Meeting Security Policy* and a *Public Speakers Policy* were discussed. The consensus of the Committee was to seek legal opinion from the Law Director.

Public Portion was opened with commentary from Frank Cihula and Robert Kowalsky.

The Committee adjourned into Executive Session at 7:32 p.m. to discuss in detail the Safety Policy.

The Committee reconvened at 8:07 p.m.; with no further business, the Committee Meeting was adjourned at 8:07 p.m.

SERVICE – Nancy E. Fellows

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

UTILITIES – Frank A. Germano

- The Utilities Committee has not met; therefore no formal report was given.
- **Announced that a Utilities Committee will be called in the near future to address issues pertaining to Area Assessment C.**

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.

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.**

President Malecek opened public portion at 7:23 p.m.

1. Dale Fellows
2812 Fowler Drive
Re: As Chairman of the Charter Review Commission, made the following public service announcement: Two Town Hall Meetings have been scheduled to be held at 7:00 p.m. on October 13th and October 27th to address the proposed Charter Amendments. Mr. Fellows then explained the proposed changes.

With no further commentary coming forth from the public, President Malecek closed Public Portion at 7:26p.m.

UNFINISHED BUSINESS

- President Malecek passed the gavel to Vice President Reichelt and provided commentary on the proposed Charter Amendments. President Malecek stated that he was in concurrence with Mr. Fellows' comments and encouraged everyone to read the ballot information provided by the Clerk of Council.
- President Malecek further explained the proposed amendment pertaining to the Veto Power of the Mayor, specifically the time in which the Mayor has to advise Council of his disapproval of any ordinance or resolution.

At this point in the meeting, Vice President Reichelt returned the gavel to President Malecek.

- Law Director Lobe acknowledged the time and effort that was put forth by the Clerk of Council in the preparation and mailing of the City "Official Election Notice". Within the official notice lies a full text of the ordinance, ballot titles, and an unbiased, side-by-side comparison of the existing language and the proposed language for each of the ten (10) ballot issues.
- Law Director Lobe encouraged everyone to review the ballot information and to come to the Town Hall Meetings scheduled for October 13th and October 27th.
- The Law Director Lobe further stated that these changes were not something that this Council or Administration did on their own. The Charter mandates that a Charter Review Commission be formed every eight years to review the City's Charter. The City is very fortunate to have an individual such as Dale Fellows to Chair the Commission for he has experience with the City; he has experience with BZA matters and with the Lake County Board of Elections.
- Law Director Lobe stated some of the members of the Commission worked with Jan Clair, Director of the Lake County Board of Elections and were able to get some of Jan Clair's recommendations on how to make the City's Charter better and how to comply with State Law and Election Law. These recommendations are in part incorporated in some of the proposed amendment changes.
- Vice President Reichelt announced that the side-by-side comparisons and a summary of the proposed Charter Amendments are available on the City's Website.
- Councilman Fiebig announced, one more time, that the two (2) Town Hall Meetings have been scheduled for 7:00 p.m. on Monday, October 13th and Monday, October 27th.

LEGISLATION

ORDINANCE NO. 2008-74

AN ORDINANCE AMENDING ORDINANCE NO. 2007-56 TO CORRECT A CLERICAL ERROR IN THE ASSESSMENT OF THE PROPERTY OF COLLEEN M. GROSEL, 2832 ORCHARD DRIVE, WILLOUGHBY HILLS, OHIO A.K.A. PERMANENT PARCEL NO. 31A-008B-00-011-0.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2008-74.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2008-74 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2008-74.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2008-74 has been adopted.

ORDINANCE NO. 2008-75

AN ORDINANCE AMENDING PART FIFTEEN – FIRE PREVENTION CODE, CHAPTER 1503 - OUTDOOR FIRES, SECTION 1503.01 – GENERAL PROHIBITION AND SECTION 1503.02 – FIRE CHIEF MAY DISALLOW EXCEPTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2008-75.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2008-75 has been suspended.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Somich to adopt Ordinance No. 2008-75.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2008-75 has been adopted.

ORDINANCE NO. 2008-76

AN ORDINANCE TO DECLARE CITY VEHICLES AND/OR EQUIPMENT WITH AN ESTIMATED VALUE OF OVER \$1,000 AS SURPLUS PROPERTY AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2008-76.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2008-76 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to adopt Ordinance No. 2008-76.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2008-67 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to authorize the Mayor to re-advertise for bids for the Dispatch Center and Information Technology Improvements Project as the bids received were excessive.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that Mayor is authorized to re-advertise for bids for the Dispatch Center and Information Technology Project.

FOR THE GOOD OF THE ORDER

- Councilman Fiebig announced that the Willoughby Hills Lion's Club along with the South Euclid Lions' Club will hold their Annual Poor Man's Reverse Raffle, this Sunday, October 12th at 4:00 p.m.
- Councilman Somich announced that the Lake County Development Council will be holding Economic Forum on October 15th. The event will be held at LaMalfa Centre.
- Councilman Somich announced that a Candidate's Form will be held at the Wickliffe Senior Center at 7:00 p.m. on October 16, 2008.
- Councilman Somich announced that Zeppe's Annual Clambake will be held on Sunday, October 19th at the Fire House Grill located on Stark Drive. This event benefits Babies and Children's Rainbow Hospital.
- Councilman Somich announced that the Lake County Visitors' Bureau Annual Meeting will be held on October 22nd at LaMalfa Centre. This year, the President of Holden Arboretum will be the main speaker.
- Councilman Reichelt stated that the Health Fair being held on Tuesday, October 21st at the WH Community Center is a free clinic that will be offered by the Cleveland Clinic Health Center from 1:00 p.m. to 4:00 p.m. The following screenings are available: blood pressure, glucose, cholesterol, body mass index and bone density. This Health Fair is free to all 55 or older. Non-Residents are welcome.
- Councilman Fiebig announced that today is special day for a certain segment of our working society, today is International News Paper Carrier's Day.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to adjourn.

Roll Call: 7 AYES – unanimous

MOTION PASSES

Meeting adjourned at 7:42 p.m.

APPROVED: _____

Date

ATTEST: _____

Victoria Ann Savage
Clerk of Council

Kevin D. Malecek
President of Council