

# City of Willoughby Hills

## Regular Council Meeting Minutes of September 10, 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 of 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, Clerk of Council Victoria Ann Savage  
City Engineer Richard J. Iafelice (arrived at 7:11 p.m.)

**Disposition of the Journal**      **Regular Council Meeting of June 25, 2009**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to approve the Regular Council Meeting Minutes of June 25, 2009 as submitted.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Malecek declared that the Regular Council Meeting Minutes of June 25, 2009 have been approved as submitted.**

**Regular Council Meeting of July 9, 2009**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to approve the Regular Council Meeting Minutes of July 9, 2009 as submitted.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Malecek declared that the Regular Council Meeting Minutes of July 9, 2009 have been approved as submitted.**

**Regular Council Meeting of July 23, 2009**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Reichelt to approve the Regular Council Meeting Minutes of July 23, 2009 as submitted.

**Roll Call: 6 AYES with Councilwoman Fellows abstaining**

**MOTION PASSES**

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

## *Correspondence*

- Mayor Robert M. Weger to Council President Kevin Malecek and Council Clerk Victoria Savage, dated July 28, 2009 re: 2009 Heavy Trash Recycle Bids
- Mayor Robert Weger to Council President Kevin Malecek, Service Committee Chairman Nancy Fellows and Council Clerk Victoria Savage, dated July 28, 2009 re: Citywide Trash & Recycle Bid Summary
- **Email:** John T. Scott, Councilman for City of Solon to Members of Council, dated August 11, 2009 re: Membership in NOCCA
- Robert Kondrat to Mr. Chris Loxerman/General Health District, dated August 10, 2009 re: Sewer Connection as directed by the Mayor's Office to Council Clerk and Law Director
- Janeen Mullin, Finance Assistant to Mayor Weger and Council, dated August 18, 2009 re: Donations
- **Email:** Nancy Donovan Farina/Senior Administrative Officer/Cuyahoga County, dated August 20, 2009 re: Agenda for the August 26, 2009 Noise Abatement Meeting, Voluntary Noise Abatement Procedures, Noise Abatement Council Meeting Minutes of May 13, 2009/Draft of Joint Statement
- Richard Iafelice, City Engineer to Ohio Environmental Protection Agency – DEFA, dated August 21, 2009 re: City of Willoughby Hills/ECTW Area "C"/WPCLF Modified Loan Schedule
- Mayor's Monthly Statement for the month ending July 2009
- Mayor's Monthly Statement for the month ending August 2009
- Ohio Municipal League's 58<sup>th</sup> Annual Conference to be held September 30 – October 2, 2009
- Clerk of Council to Members of Council, Safety Director, Fire Chief, Police Chief, Building Commissioner and City Engineer, dated August 17, 2009 re: Notification of Impending Oil and Gas Exploration and Drilling Operations to take place within the City of Willoughby Hills
- City Engineer's Status Report for September 2009

## *Notifications*

- Board of Building and Zoning Appeals Meeting of September 8, 2009
- Planning and Zoning Committee & Architectural Board of Review Meeting of August 6, 2009
- Service Committee Meeting of August 10, 2009
- Notification stating that there would not be a Board of Building and Zoning Appeals Meeting scheduled for August 11, 2009 for no appeals were received
- Notification stating that there would not be a Regular Council Meeting scheduled August 13, 2009 and advising that a Special Council Meeting had been called for Monday, August 24, 2009
- Planning and Zoning Committee & Architectural Board of Review Meeting of August 20, 2009
- Planning and Zoning Committee & Architectural Board of Review Meeting of September 3, 2009
- Rules and Legislation Committee Meeting of September 10, 2009
- Notification of Special Council Meeting called for August 24, 2009

## *Minutes*

- Planning and Zoning Committee & Architectural Board of Review Meeting of July 2, 2009
- Planning and Zoning Committee & Architectural Board of Review Meeting of July 16, 2009
- Planning and Zoning Committee & Architectural Board of Review Meeting of August 6, 2009
- **Rules and Legislation Committee Meeting of September 10, 2009**
- Service Committee Meeting Minutes of August 10, 2009 (as reported at the Special Council Meeting held August 24, 2009)

## *On File*

- Copy of the notification sent to Greenridge Residents pertaining to the *Unauthorized Sewer Connection Awareness Program* being conducted by and through the Service Department
- Willoughby Hills V.F.W. Post 4358 News Letter, Volume 1, Issue 5
- Housing Research & Advocacy Center request for Donation
- Housing Research & Advocacy Center News for Summer 2009
- Cities & Villages for July/August 2009
- **Newsletter:** *City of Willoughby Hills, Summer/Fall 2009 Edition*

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

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

- City News Letter
- Heavy Trash Pickup slated for October (East of Rt 91 – October 5<sup>th</sup> and West of Rt 91 – October 12<sup>th</sup> )
- Art Displayed in the Community Center – part of proceeds to go to WHISPER Program
- Community Flea Market and Touch-A-Truck events were very successful
- Recycle Containers – proceeds to go to WHISPER Program
- Timberline Drive repaved
- New School Zone located at Route 91
- Announced the following events:
  - Corn Fest – September 12<sup>th</sup> and 13<sup>th</sup>
  - Annual Craft Fair – August 10<sup>th</sup> from 10:00 a.m. to 4:00 p.m.
  - Make a Difference in Willoughby Hills – Yard Clean-Up to be held October 24<sup>th</sup>

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

- Reported that the City was litigation free.

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

- No Formal Report was given; however requested that a Finance Committee be held prior to the next Regular Council Meeting to review Finance Reports, discuss amendments to the appropriations Ordinance and to report on Fund 251 and Fund 291

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

- Referenced Engineer's Status Report for the Month of September
- Bidding of two sewer projects – the Corporate 90/Stark Drive Pump Station bids were extraordinarily high
- ECTW Assessment Area C – Bid Opening scheduled for Tuesday, September 29<sup>th</sup>
- Green Ridge SSES Program & Flow Monitoring - Home Investigations to begin
- SOM Center Roadway Improvement - Additional Funds from NOACA (10% or \$86,500) to enable the City to fund the construction engineering phase fee to be paid to ODOT
- Ordinance No. 2009-68 and Ordinance No. 2009-69

### **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.**
- **Announced that a Finance Committee will be called for Thursday, September 24<sup>st</sup> at 6:00 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.**

### **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 SEPTEMBER 10, 2009**

**Members Present: Vice President David A. Reichelt, Councilman Frank A. Germano**

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

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

**Meeting convened at 6:21 p.m.**

***Order of Business***

**Meeting was Chaired by Vice President Reichelt. Items of discussion were the legislation that is before Council this evening:**

**Ordinance No. 2009-64 – Finalizing the documentation of the conveyance of the property adjacent to the Classic Auto Campus; it was the consensus of the Committee was to recommend adoption by Council.**

**Ordinance No. 2009-66 – lease agreement with the Willoughby-Eastlake School District, pending direction of our Law Director**

**Ordinance No. 2009-68 – Preliminary Agreement with the ODOT to upgrade traffic signals and intersection improvements along Euclid-Chardon Road and SOM Center Road in the Cities of Willoughby Hills and Willoughby. Consensus of the Committee was to have this Ordinance remain on First Reading.**

**Ordinance No. 2009-69 – Agreement between the City of Willoughby Hills, ODOT and the City of Willoughby for a closed loop traffic signal system on SR 91. Consensus of the Committee was to have this Ordinance remain on First Reading.**

**Ordinance No. 2009-70 – Accepting a permanent easement necessary for the Euclid Creek Tributary Watershed Area “C” Sanitary Sewer Improvements. Consensus of the Committee was to recommend adoption by Council.**

**Resolution No. 2009-17 – Supporting the Northeast Ohio Gas Accountability Project’s (NEOGAP) six Steps to Public Safety. This is an incentive to bring back more local control to municipalities with respect to the construction of Oil and Gas Wells. Consensus of the Committee was to recommend adoption by Council.**

***Public Portion***

**Public Portion was opened at 6:30 p.m. with Linda Fulton coming forth with questions.**

**Meeting was adjourned at 6:32 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.
- Announced that the Safety Committee will meet on Thursday, September 24<sup>th</sup> at 6:00 p.m. in order to give Council a tour of the new IT/Dispatcher Center.

**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 on Monday, September 14<sup>th</sup> at 6:00 p.m. to further discuss the Recycling and Trash Program and residents concerns

**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**

- Councilman Reichelt serving as the City’s Representative reported on the Noise Abatement Committee Meeting held on August 26<sup>th</sup> at 10:00 a.m. and took place at the Cuyahoga County Airport. Representatives included most of the airport tenants. Voluntary Noise Abatement Policy was adopted.
- Joint Statement will be signed off by all tents of the Airport – document was reviewed and to be finalized at the next meeting. Both documents will then be published.

- **City Engineer spoke with respect to Ordinance No. 2009-70.**

### **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 7:29 p.m.**

1. Robert Kowalsky  
2585 Timberline Drive  
Re: Citywide Service Provider; Recycling; Funds 251 and 291 – Accounting Irregularities
2. Murry Seldon  
28846 Eddy Road  
Re: Letter from Mid-American Engineering, Inc. dated June 21, 1993 pertaining to drainage problems on private property; where is legislation regulating drainage problems? List of other drainage problems within the City; Fire hydrant on Eddy Road has not been painted

**Public Portion was closed at 7:37 p.m.**

### **UNFINISHED BUSINESS**

- **There was no unfinished business brought forth to Council.**
- **Councilwoman Fellows requested the list of questions pertaining to single trash provider referenced by Mr. Kowalsky during Public Portion.**

### **LEGISLATION**

#### **ORDINANCE NO. 2009-64 – THIRD READING**

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**AN ORDINANCE CONSENTING TO AND APPROVING THE COURT ORDER AND JUDGMENT ENTRY OF THE COURT OF COMMON PLEAS OF LAKE COUNTY, OHIO IN THE CASE TITLED 9091, LLC, ET. AL. VS. CITY OF WILLOUGHBY HILLS, OHIO, CASE NO. 07CV0359, DATED OCTOBER 3, 2007.**

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**MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Biro to adopt Ordinance No. 2009-64.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-64 has been adopted.**

#### **ORDINANCE NO. 2009-66 – SECOND READING**

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**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE WILLOUGHBY-EASTLAKE CITY SCHOOL DISTRICT FOR THE LEASING OF PROPERTY LOCATED AT 2705 RIVER ROAD, WILLOUGHBY HILLS, OHIO.**

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**MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-66.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-66 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to adopt Ordinance No. 2009-66.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-66 has been adopted.**

**ORDINANCE NO. 2009-68**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION, DISTRICT 12 TO UPGRADE TRAFFIC SIGNALS AND INTERSECTION IMPROVEMENTS ALONG EUCLID-CHARDON ROAD (U.S. 6) AND S.O.M. CENTER ROAD (S.R. 91) IN THE CITIES OF WILLOUGHBY HILLS AND WILLOUGHBY AND DECLARING AN EMERGENCY.**

President Malecek declared that Ordinance No. 2009-68 will remain on First Reading.

**ORDINANCE NO. 2009-69**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO AN AGREEMENT BY AND BETWEEN THE CITY OF WILLOUGHBY HILLS, THE OHIO DEPARTMENT OF TRANSPORTATION, DISTRICT 12 AND THE CITY OF WILLOUGHBY FOR THE PURPOSE OF INSTALLING AND MAINTAINING A CLOSED LOOP TRAFFIC SIGNAL SYSTEM ON STATE ROUTE (SR) 91) IN THE CITIES OF WILLOUGHBY HILLS AND WILLOUGHBY AND DECLARING AND EMERGENCY.**

President Malecek declared that Ordinance No. 2009-69 will remain on First Reading.

**ORDINANCE NO. 2009-70**

**AN ORDINANCE ACCEPTING A PERMANENT SANITARY SEWER EASEMENT TO INSTALL, CONSTRUCT, RECONSTRUCT, MAINTAIN, REPAIR, REPLACE, REBUILD, OPERATE, IMPROVE, USE, INSPECT, AND REMOVE SAID SANITARY SEWER AND ALL NECESSARY APPURTENANCES THERETO AS DESCRIBED IN EXHIBIT "A" FOR THE EUCLID CREEK TRIBUTARY WATERSHED AREA "C" SANITARY SEWER IMPROVEMENTS AND DECLARING AN EMERGENCY.**

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2009-70.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-70 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2009-70.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2009-70 has been adopted.

**RESOLUTION NO. 2009-17**

**A RESOLUTION SUPPORTING THE NORTHEAST OHIO GAS ACCOUNTABILITY PROJECT'S (NEOGAP) SIX STEPS TO PUBLIC SAFETY AND DECLARING AN EMERGENCY.**

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Somich to suspend the Three Reading Rule for Resolution No. 2009-17.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Resolution No. 2009-17 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Resolution No. 2009-17.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Resolution No. 2009-17 has been adopted.

**NEW BUSINESS**

- There was no new business brought forth to Council.

**FOR THE GOOD OF THE ORDER**

- Councilman Somich announced that National College is opening at the Shops of Willoughby Hills.
- Councilman Somich mentioned the Willoughby Hills Idol's Contest being held during the Corn Fest and Corn Fest Late Night being held during the Corn Fest on Saturday, September 12<sup>th</sup>.
- Councilman Somich announced the first West Fest being held the Saturday, September 19<sup>th</sup>
- Councilman Fiebig gave a City's welcome to the accounting firm of, Corwin and Jenkins, CPA who have graciously provided prizes for this year's Corn Fest.
- Councilman Reichelt stated that all the information pertaining to Corn Fest can be found on the City's Website and Channel 12 has a full schedule of all the events.
- Councilman Fiebig wished Councilman Malecek a belated Birthday!

**ADJOURNMENT**

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

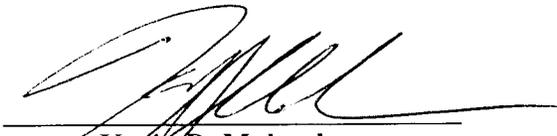
**Roll Call: 7 AYES – unanimous**

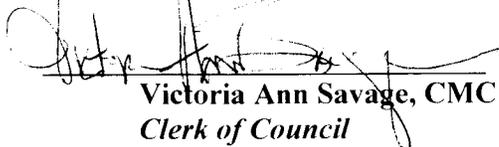
**MOTION PASSES**

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

Meeting adjourned at 7:52 p.m.

APPROVED: September 24, 2009  
Date

  
Kevin D. Malecek  
President of Council

ATTEST:   
Victoria Ann Savage, CMC  
Clerk of Council