

ROBERT M. WEGER  
President of Council

KEVIN D. MALECEK  
Vice President of Council

VICTORIA ANN SAVAGE, CMC  
Clerk of Council

# City of Willoughby Hills Regular Council Meeting

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

## Minutes of January 12, 2006

**8:00 p.m.** Meeting called to order by President of Council, Robert M. Weger

### *Pledge of Allegiance*

**Roll Call of Council** Councilwoman Nancy E. Fellows, Councilman Frank A. Germano, Vice President Kevin D. Malecek, Councilman David A. Reichelt, Councilman Raymond C. Somich, President Robert M. Weger, Councilman Christopher L. Biro

**Also Present** Mayor Kenneth A. Lorenz, Law Director Thomas G. Lobe, Finance Director Brian Condron, City Engineer Richard Iafelice, Clerk of Council Victoria Ann Savage

### DISPOSITION OF JOURNAL

#### – Regular Council Meeting Minutes of December 22, 2005

**MOTION WAS MADE BY COUNCILMAN REICHEL**, seconded by Councilman Somich to approve the Regular Council Meeting Minutes of December 22, 2005.

**Roll Call: 6 AYES w/Councilwoman Fellows abstaining**

**MOTION PASSES**

**President Weger declared that the Regular Council Meeting Minutes of December 22, 2005 have been approved.**

#### – Organizational Meeting of Council - Minutes of January 3, 2006

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to approve the minutes of the Organizational Meeting of Council held on January 3, 2006.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that the minutes of the Organizational Meeting of Council held on January 3, 2006 have been approved.**

### Correspondence

- Robert M. Weger, Chairman of the Willoughby Hills Recreation Commission to Mayor Kenneth A. Lorenz, dated December 28, 2005 re: Potential Gas Well Drilling
- Thomas G. Lobe, Law Director to Honorable Mayor Kenneth A. Lorenz and Members of Council, Members of the Planning Commission and Architectural Board of Review, and the Building Department, dated January 4, 2006 re: Snavely Property; 8.8 acres located across from The Cleveland Clinic
- Mayor's Monthly Statement to Council for the Month Ending December 2005
- City of Willoughby Hills Mayor's Court Yearly Report
- Email from Kristin Ziegler, Building Clerk to City Officials, dated December 21, 2005 re: Driveway Aprons – Permit Required – Attached Memorandums Dated December 19, 2005 and December 15, 2005
- Ohio Municipal League – Legislative Bulletin No.1, dated January 6, 2006
- Richard Iafelice to Honorable Kenneth A. Lorenz and Members of Council re: Status Report, dated January 12, 2006

- **LETTER FROM KEN LOGAR TO MAYOR LORENZ, DATED JANUARY 11, 2006 RE: SAYLE FARM DRAINAGE PROJECT**

#### ***Notifications***

- Kent State University Elected Officials Academy – Personal Leadership and Policy Leadership
- Board of Building and Zoning Appeals Notification for Case No. 2006-1
- Organization Council Meeting of January 3, 2006
- Planning and Zoning Commission & Architectural Board of Review Meeting of January 5, 2006
- Rules & Legislation Committee Meeting of January 9, 2006
- Text Sub-Committee of the Council Select Committee on Zoning Improvements Meeting of January 3, 2006
- Text Sub-Committee of the Council Select Committee on Zoning Improvements Meeting of January 9, 2006
- Text Sub-Committee of the Council Select Committee on Zoning Improvements Meeting of January 10, 2006
- Utilities Committee Meeting of January 12, 2006

#### ***Minutes***

- Planning & Zoning Commission & Architectural Board of Review Meeting of November 17, 2005
- Planning & Zoning Commission & Architectural Board of Review Meeting of December 1, 2005
- Recreation Commission Meeting of November 1, 2005
- Recreation Commission Meeting of December 6, 2005
- Working Committee of Council Meeting of December 22, 2005

#### ***On File***

- Report of Findings: Phase A: Discovery for the City of Willoughby Hills Police Dispatch Center presented November 15, 2005 by Automated Services Group, Inc.
- ***The Hills Herald, Special Edition – December, 2005***
- Cities & Villages for November/December 2005
- **LETTER RECEIVED FROM ATWELL-HICKS, DEVELOPMENT CONSULTANTS TO THE BUILDING DEPARTMENT, DATED JANUARY 11, 2006 RE: ZIGMAN PROPERTY PRELIMINARY REVIEW**
- **RAY SOMICH TO MS. CHARLOTTE SCHRYER, CHAIRPERSON/PLANNING AND ZONING COMMISSION, DATED JANUARY 8, 2005 AND JANUARY 12, 2005 RE: CONCERNS OF PROPERTY AND BUSINESS OWNERS IN DISTRICT 2**

#### **PUBLIC PORTION**

President Weger opened Public Portion at 8:14 p.m. inviting the public to come forth to address Council with their questions and/or comments.

1. Linda Fulton  
2990 Marcum Boulevard  
re: Zigman Property Review discussed at the Planning and Zoning Commission & Architectural Board of Review Meeting of January 5, 2006
2. Faye Sivazlian  
37250 Chardon Road  
re: Requested a copy of the Zoning Code Text and questioned what recourse do the resident's have if they are not in agreement with the proposed changes and questioned the status of her request for a sign identifying her driveway as a "Hidden Drive".

President Weger closed Public Portion at 8:19 p.m.

#### **MAYOR'S REPORT – Kenneth A. Lorenz**

- Recycling bins have been placed behind the Fire Station and a pick-up schedule of Monday, Wednesday, and Friday has been requested of World Resources. Larger bins are expected by the end of this month.

- The following people have been reappointed to serve on the following Boards and Commissions:
  - Mark Kotoch, Board of Building and Zoning Appeals
  - Rick Motuza, Recreation Commission
  - Bob Weger, Recreation Commission
  - Nick Iarussi, Recreation Commission
  - Joe Zawatski, Recreation Commission
- Regarding the Sewer Project:
  - Due to the thaw, extremely muddy road conditions, I have authorized the Service Department to work with DiGioia-Suburban to add recycled asphalt grindings on the roads to alleviate the mud.
  - Martin, Dixon, Orchard, Trabar and Eddy Roads have received attention and additional work will be performed tomorrow.
  - For those who have computers at home, please refer to our web page: Willoughby Hills.net or telephone the hot line: 918-8746
- Damage to vehicles due to the sewer project have been forwarded to Dave Long to expedite with DiGioia-Suburban.
- Riggins Farm along Dodd Road is currently drilling for gas.
- The first publication of “The Willoughby Hills Edition” is due out the first of February and is scheduled to come out 10 times per year.

**LAW DIRECTOR’S REPORT – Thomas G. Lobe, L.P.A.**

- Status of City Litigation

**FINANCE DIRECTOR’S REPORT – Brian Condon**

- Closing out 2005
- Finalization of 2006 Appropriations

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

- Reference Status Report of January 12, 2006
  - Update of Sewer Construction
  - Update of the Bishop Road Widening Project
  - River Road Project – local share reduced
  - Sayle Farm Drainage Project– should be addressed by the Service Committee of Council
  - Interstate 90/S.R. 91 – Traffic Signalization – should be addressed by the Service Committee of Council

**COMMITTEE REPORTS**

**FINANCE – Nancy E. Fellows**

- The Finance Committee has not met; however the following information was shared:
- Working on Permanent Appropriations Budget – to be prepared for the Regular Council Meeting of February 23<sup>rd</sup>
  - Two Finance Committee Meetings required between now and February 23<sup>rd</sup>.

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

- Update of the Zoning Map and Zoning Text
- Announced that the Planning and Zoning Committee of Council will meet next Thursday night, January 19<sup>th</sup> at 6:45 p.m.

**RECREATION – Christopher L. Biro**

- Recreation Committee has not met; therefore no formal report was given.
- Upcoming Recreation Events:
  - Pancake Breakfasts to be held during the month of March
  - Girls Softball – registration to begin February 1<sup>st</sup>

- Summer Day Camp – registration to begin late February
- Safety Town - July 10<sup>th</sup> – July 21<sup>st</sup>

**RULES & LEGISLATION – Robert M. Weger**

- Rules & Legislation Committee met on January 9<sup>th</sup>. The purpose of the Committee is to review all Ordinances prior to being placed on the agenda for Council’s consideration. The following legislation was reviewed and approved by the Committee as to content and form:
  - Ordinance No. 2006-1
  - Ordinance No. 2006-2
  - Resolution No. 2006-1
  - Resolution No. 2006-2
  - Resolution No. 2006-3
  - Ordinance No. 2005-110

**SAFETY – Kevin D. Malecek**

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

**SERVICE – Raymond C. Somich**

- Service Committee has not met; therefore no formal report was given.
  - Announced that a Joint Meeting of the Finance and Service Committees of Council will be scheduled for Monday, January 16<sup>th</sup>
  - Announced that the Committee will address the issue of the Recycling Drop-Off Program

**UTILITIES – Frank A. Germano**

- Utilities Committee met this evening to discuss:
  - Ordinance No. 2006-1
  - Ordinance No. 2006-2
  - Resolution No. 2006-1
  - Properties not connected to Sanitary Sewer System on Chardon Road

**PERSONNEL RELATIONS – Raymond C. Somich**

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

**WORKING COMMITTEE OF COUNCIL – President Robert M. Weger**

- 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 given.

**UNFINISHED BUSINESS**

**ORDINANCE NO. 2005-90**

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE THREE – LEGISLATIVE, CHAPTER 121 – COUNCIL, SECTION 121.01 SUBSECTION (c) (1) AND SUBSECTION (c) (2) H OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, AND REPEALING CONFLICTING LEGISLATION.

**First Reading: July 14, 2005**  
**Second Reading: July 28, 2005**  
**Third Reading: September 8, 2005**  
**Postpone Indefinitely: December 8, 2005**

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Reichelt to formally place Ordinance No. 2005-90 on the agenda for Council's consideration.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that Ordinance No. 2005-90 has been placed on this evening's agenda for the consideration of Council.**

## LEGISLATION

### **ORDINANCE NO. 2005-90**

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE THREE – LEGISLATIVE, CHAPTER 121 – COUNCIL, SECTION 121.01 SUBSECTION (c) (1) AND SUBSECTION (c) (2) H OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, AND REPEALING CONFLICTING LEGISLATION.

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Reichelt to rescind the motion made at the Regular Council Meeting of December 8, 2005 to postpone indefinitely Ordinance No. 2005-90.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that the motion made at the Regular Council Meeting of December 8, 2005 to postpone indefinitely Ordinance No. 2005-90 has been rescinded.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Germano to adopt Ordinance No. 2005-90.

**Roll Call: Fellows-no, Germano-yes, Malecek-no, Reichelt-yes, Somich-yes, Weger-yes, Biro-yes**

**Motion Passes: 5/2**

**President Weger declared that Ordinance No. 2005-90 has been adopted.**

### **ORDINANCE NO. 2005-110 – As Amended January 9, 2006**

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 FOR THE RESURFACING OF A PORTION OF RIVER ROAD AND DECLARING AN EMERGENCY.

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2005-110 – As Amended January 9, 2006.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that the Three Reading Rule for Ordinance No. 2005-110 – As Amended January 9, 2006 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Reichelt to adopt Ordinance No. 2005-110 – As Amended January 9, 2006.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that Ordinance No. 2005-110 – As Amended January 9, 2006 has been adopted.**

### **ORDINANCE NO. 2006-1**

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREETS AND MUNICIPAL EASEMENTS BY CONSTRUCTING AN 8-INCH SANITARY SEWER, PUMP STATION AND FORCE MAINS; TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, IN ACCORDANCE WITH RESOLUTION NO. 2005-17, ADOPTED ON DECEMBER 8, 2005; AND DECLARING AN EMERGENCY.

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2006-1.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that the Three Reading Rule for Ordinance No. 2006-1 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to adopt Ordinance No. 2006-1.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that Ordinance No. 2006-1 has been adopted.**

**ORDINANCE NO. 2006-2**

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREET AND MUNICIPAL EASEMENT BY CONSTRUCTING AN 8-INCH SANITARY SEWER; TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, IN ACCORDANCE WITH RESOLUTION NO. 2005-18, ADOPTED ON DECEMBER 8, 2005; AND DECLARING AN EMERGENCY.

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2006-2.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that the Three Reading Rule for Ordinance No. 2006-2 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Reichelt to adopt Ordinance No. 2006-2.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that Ordinance No. 2006-2 has been adopted.**

**RESOLUTION NO. 2006-1**

A RESOLUTION AUTHORIZING THE MAYOR TO FILE A CONSTRUCTION LOAN APPLICATION AND ENTER INTO A LOAN AGREEMENT WITH THE OHIO WATER POLLUTION CONTROL LOAN FUND NECESSARY FOR THE CONSTRUCTION OF THE WOODLAND SANITARY SEWER PROJECT, AND DECLARING AN EMERGENCY.

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2006-1.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that the Three Reading Rule for Resolution No. 2006-1 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Somich to adopt Resolution No. 2006-1.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that Resolution No. 2006-1 has been adopted.**

**RESOLUTION NO. 2006-2**

A RESOLUTION COMMENDING JOHN D. SMICKLAS, JR. FOR HIS MANY YEARS OF SERVICE TO THE CITY OF WILLOUGHBY HILLS.

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2006-2.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that the Three Reading Rule for Resolution No. 2006-2 has been suspended.**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Biro to adopt Resolution No. 2006-2.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that Resolution No. 2006-2 has been adopted.**

**RESOLUTION NO. 2006-3**

**A RESOLUTION COMMENDING DAVID J. BURNETT FOR HIS MANY YEARS OF SERVICE TO THE CITY OF WILLOUGHBY HILLS.**

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Reichelt to suspend the Three Reading Rule for Resolution No. 2006-3.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that the Three Reading Rule for Resolution No. 2006-3 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Germano to adopt Resolution No. 2006-3.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger declared that Resolution No. 2006-3 has been adopted.**

**NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN MALECEK**, seconded by Councilman Reichelt to appoint Councilman Raymond C. Somich to serve as a member of the Bishop Road Task Force.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger announced that Councilman Raymond C. Somich has been appointed to serve as a member of the Bishop Road Task Force.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Reichelt to appoint Councilman Christopher L. Biro to serve as a member of the Bishop Road Task Force.

**President Weger announced that Councilman Christopher L. Biro has been appointed to serve as a member of the Bishop Road Task Force.**

**President Weger stated that at the next Regular Council Meeting of January 26, 2006 composition of the Bishop Road Task Force should be determined.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Biro to appoint Councilman David A. Reichelt to serve as the Chairman of the Public Relations and Communications Ad-hoc Committee of Council.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Weger announced that Councilman David A. Reichelt will serve as the Chair of the Public Relations and Communications Ad-hoc Committee of Council. Councilman Raymond C. Somich and Councilman Kevin D. Malecek will serve as members.**

**Councilman Reichelt announced that Councilman Somich, the Mayor and a designee of the Mayor will serve as members of the Media Content Board, which is technically a sub-committee of the Public Relations and Communications Ad-hoc Committee of Council. Councilman Reichelt stated that he will be serving as the Chair of the Media Content Board.**

**FOR THE GOOD OF THE ORDER**

- Councilman Malecek announced that on January 30, 2006, the Rotary Club of Willoughby will honor Mort and Florine O’Ryan with the Distinguished Citizen Award. The award will be presented at a luncheon being held at Pineridge Country Club. A buffet lunch will be served from 11:30 p.m. until Noon. The ceremony starts promptly at Noon. The cost of the lunch is \$13.00 per person. The event is open to the public.

**MOTION WAS MADE BY COUNCILMAN REICHEL**T, seconded by Councilman Biro to adjourn.

**Roll Call: 7AYES – unanimous**

**MOTION PASSES**

**Adjournment: 9:22 p.m.**

**APPROVED:** January 26, 2006  
Date

Robert M. Weger  
**Robert M. Weger**  
**President of Council**

**ATTEST:** Victoria Ann Savage  
**Victoria Ann Savage, CMC**  
**Clerk of Council**