

WILHELMINA F. KAMIS
President of Council

ROBERT M. WEGER
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Milloughby Hills Regular Council Meeting

Council
CHRISTOPHER L. BIRO
NANCY E. FELLOWS
KEVIN D. MALECEK
DAVID A. REICHEL
RAYMOND C. SOMICH

Minutes of January 13, 2005

8:05 p.m. Meeting called to order by the President of Council Billie Kamis.

Pledge of Allegiance

President Kamis requested a moment of silence for lives lost due to the Tsunami tragedy.

Roll Call of Council Councilman Raymond C. Somich, Vice President Robert M. Weger, Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, President Billie Kamis, Councilman David A. Reichelt

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

Absent Councilman Kevin D. Malecek

MOTION MADE BY COUNCILMAN WEGER, seconded by Councilman Somich to excuse Councilman Kevin D. Malecek.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that Councilman Kevin D. Malecek has been excused.

DISPOSITION OF JOURNAL – Regular Council Meeting of December 23, 2004

MOTION MADE BY COUNCILMAN REICHELT seconded by Councilman Weger to approve the Regular Council Meeting Minutes of December 23, 2004 as submitted.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that the Regular Council Meeting Minutes of December 23, 2004 have been approved.

Correspondence

- Mayor's Monthly Statement to Council for the Month of December 2004
- The Ohio Urban University Program/The Center for Public Administration and Public Policy/Elected Officials Academy – Managing Services
- Richard Iafelice to Honorable Kenneth A. Lorenz and Members of Council, dated January 5, 2005 re: Euclid Creek Tributary Watershed (ECTW) Sanitary Sewer Improvements – Contracts 2 & 3/Amendment 3
- Charlotte Schryer, Chairman/Planning Commission to Billie Kamis, Council President, dated December 29, 2004 re: Citywide Streetscape Plans
- Richard Iafelice to Honorable Kenneth A. Lorenz and Members of Council, dated January 13, 2005 re: Status Report

Notifications

- Personnel Relations Committee Meeting of January 4, 2005
- Planning and Zoning Commission & Architectural Board of Review Meeting of January 6, 2005
- Council Select Committee on Zoning Improvements Meeting of January 12, 2005
- Service Committee Meeting of January 13, 2005
- Utilities Committee Meeting of January 13, 2005
- **WORKING COMMITTEE OF COUNCIL MEETING OF JANUARY 12, 2005**

Minutes

- Board of Building and Zoning Appeals Meeting of November 9, 2004
- Finance Committee Meeting of September 23, 2004
- Finance Committee Meeting of October 25, 2004
- Finance Committee Meeting of November 8, 2004
- Finance Committee Meeting of December 16, 2004
- Finance and Safety Committee Meeting of December 9, 2004
- Finance and Safety Committee Meeting of December 21, 2004
- Safety Committee Meeting of October 14, 2004
- Safety Committee Meeting of November 1, 2004
- Planning and Zoning Commission & Architectural Board of Review Meeting of December 2, 2004

On File

- Robert R. Riggin/Home Owner to Service Director dated December 30, 2004 re: Letter of Appreciation
- Mr. and Mrs. Robert J. Virant of 3030 Marcum Boulevard to Clerk of Council, dated December 20, 2004 re: Tentative Assessment
- Mary E. Betsa/Daughter and Power of Attorney for Edward T. Cook/Resident of Pine Ridge Apartments, email of January 3, 2005 re: Pine Ridge Apartments
- Gary L. and Christine Hyde of 34053 White Road to Victoria Ann Savage, dated December 26, 2004 re: Tap In Fee
- Tom Voldrich/Jerry Smith to Richard Iafelice/Nate Catania, date December 28, 2004 re: ECTW – Utility Location Test Digs/City of Willoughby Hills
- Richard Iafelice to Orchard Extension Property Owners, dated December 22, 2004 re: Sanitary Sewer Improvements/Preliminary Assessment Costs
- The Ohio Auditor of State's Best Practices, Volume 1, Issue 2/Winter 2004
- Sue McVey, Financial Disclosure Coordinator to City Mayors, Clerks, Managers, Auditors, and Council Clerks, dated January 7, 2005 re: 2004 Pre-Printed Financial Disclosure Statements
- Ohio Coalition for Open Government/Open Records Report – Fall/Winter 2004

President of Council Kamis requested a motion from Council to amend the agenda to place Ordinance No. 2005-6 on the agenda.

MOTION MADE BY COUNCILMAN WEGER, seconded by Councilman Reichelt to add Ordinance No. 2005-6 to the agenda.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that the Agenda has been amended to include Ordinance No. 2005-6.

PUBLIC PORTION

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

1. Faye Sivazlian
37250 Chardon Road
re: Residential property zoning regulations

Public portion was closed at 8:15 p.m.

MAYOR'S REPORT – Kenneth A. Lorenz

- John Lillich has been sworn in to another term on the Planning Commission and Architectural Board of Review.
- Renee Davis has been sworn in to another term on the Board of Building and Zoning Appeals.
- If any resident still has a live Christmas tree to dispose of, you may bring it to the City brush drop off site.
- The water mark on the Chagrin River was at 12 feet and water did come up over the banks, however, it did not compromise any dwellings.
- I attended the retirement party for Darryl Crossman, Service Director for the City of Wickliffe. Darryl has retired and moved to Arizona.
- The Fire Department responded to 1,408 emergency incidents during 2004.
- The 1997 Fire Engine unit 1213 has returned from being refurbished. Refurbishing included: repairs to the electrical system, updating the emergency lights, improved scene and ground lighting, removal of rust and corrosion, undercoating and repair and repainting the entire vehicle.
- The unit has been returned to first out service and according to Chief Harmon, it looks and seems to be performing exceptionally well.
- The 1989 fire engine unit 1214 was delivered to Indiana yesterday to begin its refurbishing and it should be completed within 90 to 120 days.
- The specifications for bidding the police mobile computers have been completed and are awaiting final approval from Administration and Council. The project will put mobile computers in 12 of the department's police cars and cost an estimated \$78,000 with cost being shared between the department's COPS More Grant and the Law Enforcement Trust Fund. The computers will allow officers to have real time access to all police reports and records and national police databases.
- The purchase of a second police canine has been approved by Administration and City Council. Officer Shannon Vachet has been selected to be the canine handler and will be attending school this spring with his new dog. The dog will be purchased from Von der haus Gill German Shepherds of Wapakoneta, Ohio.
- The Police Department is conducting background investigations on three part-time officer applicants. If approved, two of these officers will support general police patrol and one will be assigned to the Motorcycle Traffic Unit.

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

- Reported on pending litigation matters
- 10 minute Executive Session will be required at the next Regular Council Meeting
- Bishop Road Widening Project – land acquisitions

FINANCE DIRECTOR'S REPORT – Brian Condron

- No formal report was given.

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

- Ordinance No. 2005-2 – to accept (4) easements for the ECTW Project
- Ordinance No. 2005-6 – appropriation action for the Calabrese property
- Progress of the Pleasant Valley Road Bridge – 60 day extension

COMMITTEE REPORTS

FINANCE – Robert M. Weger

- Finance Committee has not met; therefore no formal report was given.
- Announced that a Joint Finance and Safety Committee Meeting will be scheduled for Wednesday, January 19, 2005 at 7:00 p.m. to discuss the financing package for the proposed ladder truck

PLANNING & ZONING – David A. Reichelt

- No formal report was given.
- Reference that letter from Charlotte Schryer, Chair of the Planning Commission to Members of Council regarding streetscaping for the Bishop Road Widening Project.
- Announced that the Planning Commission will be having a meeting to discuss the issues of setbacks and flag lots

RECREATION – David A. Reichelt

- The Committee has not met; therefore no formal report was given.
- **Upcoming Events:**
 - Pancake Breakfasts – March 6 and March 13. Ticket sales begin week of January 18th. Tickets will be distributed to all Council Members.
 - Girls Softball – registration runs from February 1 through March 20. Registration will be held at the pancake breakfasts.
 - Boys League Representatives will also offer sign-ups at Pancake Breakfasts.
 - Photo Contest – have enlisted Steve Manchook, a local professional photographer, as this year's judge. Currently updating rules, format, prizes, etc. and will begin contest in February.

RULES & LEGISLATION – Kevin D. Malecek

- Councilman Malecek was absent; therefore no formal report was given.

SAFETY – Robert M. Weger

- Safety Committee has not met; therefore no formal report was given.
- Commented on the refurbished Fire Engine 1213

SERVICE – Raymond C. Somich

- Service Committee met this evening to discuss:
 - Bishop Road Widening Project
 - procedure in obtaining 57 right of way acquisitions
 - enhancements/streetscape
 - Budget for the Bishop Road Widening Project
 - Service Committee Meeting to be scheduled for the week of January 24th
 - Storm Water Management Ordinance

UTILITIES – Nancy E. Fellows

- Utilities Committee met this evening to discuss:
 - Ordinance No. 2005-5 – Contract Amendment
 - Resolution to accept the report of the Assessment Equalization Board
 - Ordinance No. 2005-2 – 4 easements for the ECTW project
 - Sewer alignment with properties on White Road

PERSONNEL RELATIONS – Raymond C. Somich

- Personnel Relations Committee met on January 4th to discuss the restructuring of the WH Fire Department

WORKING COMMITTEE OF COUNCIL – President Billie Kamis

- Working Committee of Council has not met; therefore no formal report was given.
- Announced that a Working Committee of Council has been scheduled for Tuesday, January 24th to discuss the Ratio Utility Billing System (RUBS)

OTHER COUNCIL REPRESENTATIVE REPORTS

- Councilman Somich announced that the Bishop Road Task Force has not met, but a number of Committee members have been determined. Charlotte Schryer, Chair of the Planning and Zoning Commission & Architectural Board of Review has agreed to serve on the Committee. Looking for three members of City Council to serve on the Committee. Councilman Reichelt and Council President Kamis both agreed to serve.
- Council Select Committee on Zoning Improvements met last evening with David Hartt and furthered its discussion on the rezoning effort. The next meeting is to be held on February 9th at 7:00 p.m. in the Lions Club Room.

UNFINISHED BUSINESS

- There was no Unfinished Business brought forth to Council.

LEGISLATION

ORDINANCE NO. 2005-1

AN ORDINANCE AUTHORIZING THE TRANSFER OF THE REMAINING FUND BALANCES FROM THE FOLLOWING AGENCY FUNDS: #831 – OAKWOOD ESCROW; #846 – LOT 41; #847 – KIMCO; #851 – DIFINI; #853 – HEMLOCK EXTENSION; #854 – DEERHEAVEN ESTATES; #855 – EMERALD LAKES PLAZA; #856 – KIMCO-BLOCKBUSTER; #857 – PLAZA CONSTRUCTION; #859 – CAMELOT; #860 – WHITEWAY; #861 – LOCKWOOD GREENS; #867 – FIRST NATIONAL BANK; #870 – O'DONNELL CONSTRUCTION; #871 – LOEHMAN'S 2; #872 – SHERWOOD LANE EXTENSION; #873 – FIREHOUSE COFFEE; #874 – IAFELICE DEVELOPMENT; #876 – BISHOP LTD; #892 – SAHARA; #893 – ZAREMBA; #894 – GATEWAY; #895 – BISHOP TOWERS; #897 – ZAREMBA, TO AN AGENCY ACCOUNT TO PAY ANY 2004 RETROACTIVE PAY AWARDS TO THE CITY'S COLLECTIVE BARGAINING UNITS; REPEALING CONFLICTING LEGISLATION; AND DECLARING AN EMERGENCY.

MOTION MADE BY COUNCILMAN WEGER, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2005-1.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that the Three Reading Rule for Ordinance No. 2005-1 has been suspended.

MOTION MADE BY COUNCILMAN WEGER, seconded by Councilman Reichelt to adopt Ordinance No. 2005-1.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that Ordinance No. 2005-1 has been adopted.

ORDINANCE NO. 2005-2

AN ORDINANCE ACCEPTING A PERMANENT AND/OR TEMPORARY EASEMENT FOR THE CONSTRUCTION OF THE EUCLID CREEK TRIBUTARY WATERSHED SANITARY SEWER AND STORM SEWER ACROSS THE LANDS FOR EACH PROPERTY AS DESCRIBED IN “EXHIBIT A”; AND DECLARING AN EMERGENCY.

MOTION MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2005-2.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that the Three Reading Rule for Ordinance No. 2005-2 has been suspended.

MOTION MADE BY COUNCILMAN WEGER, seconded by Councilman Reichelt to adopt Ordinance No. 2005-2.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that Ordinance No. 2005-2 has been adopted.

ORDINANCE NO. 2005-3

AN ORDINANCE PURCHASING LAND AND EASEMENT FOR THE CONSTRUCTION OF THE BISHOP ROAD IMPROVEMENT (AKA LAK-90/84-0.54/0.43) ACROSS THE LANDS FOR EACH PROPERTY AS DESCRIBED IN “EXHIBIT B”; AND DECLARING AN EMERGENCY.

MOTION MADE BY COUNCILMAN REICHELT, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2005-3.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that the Three Reading Rule for Ordinance No. 2005-3 has been suspended.

MOTION MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to adopt Ordinance No. 2005-3.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that Ordinance No. 2005-3 has been adopted.

ORDINANCE NO. 2005-4

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL DOCUMENTS TO SECURE THE PURCHASE OF A 100 FOOT AERIAL PLATFORM FIRE TRUCK FROM PIERCE MANUFACTURING, INC. AT A TOTAL PRICE NOT TO EXCEED \$668,433.00 AND DECLARING AN EMERGENCY.

MOTION MADE BY COUNCILMAN WEGER, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2005-4.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that the Three Reading Rule for Ordinance No. 2005-4 has been suspended.

MOTION MADE BY COUNCILMAN WEGER, seconded by Councilman Somich to adopt Ordinance No. 2005-4.

Councilwoman Fellows asked if this Ordinance could remain on First Reading. Councilman Weger replied that if we do not secure the aerial platform truck now, we will lose the opportunity to secure the dollar amount of \$668,433.00. It will cost the City an additional \$46,000.

Roll Call: Somich-yes, Weger-yes, Biro-yes, Fellows-no, Kamis-yes, Reichelt-yes

MOTION PASSES: 5 /1

President Kamis declared that Ordinance No. 2005-4 has been adopted.

ORDINANCE NO. 2005-5

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE CONTRACT AMENDMENT NO. 3 WITH CT CONSULTANTS, INC. FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE PLANNING, DESIGN, AND CONSTRUCTION-RELATED SERVICES FOR THE EUCLID CREEK TRIBUTARY WATERSHED SANITARY SEWER IMPROVEMENTS; AND DECLARING AN EMERGENCY.

President Kamis declared that Ordinance No. 2005-5 will remain on First Reading and has placed it into the Finance Committee for further review.

ORDINANCE NO. 2005-6

AN ORDINANCE APPROPRIATING TEMPORARY CONSTRUCTION EASEMENTS AND A PERMANENT EASEMENT IN CERTAIN REAL PROPERTY OWNED BY JOHN AND BERNICE L. CALABRESE AND/OR CALABRESE ENTERPRISES INC., PERMANENT PARCEL NO. 31-A-005-G-00-031-0; AND DECLARING AN EMERGENCY.

MOTION MADE BY COUNCILMAN WEGER, seconded by Councilman Reichelt to suspend the Two Day Notification Rule for Ordinance No. 2005-6.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that the Two Day Notification Rule for Ordinance No. 2005-6 has been suspended.

MOTION MADE BY COUNCILMAN WEGER, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2005-6.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that the Three Reading Rule for Ordinance No. 2005-6 has been suspended.

MOTION MADE BY COUNCILMAN WEGER, seconded by Councilman Biro to adopt Ordinance No. 2005-6.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that Ordinance No. 2005-6 has been adopted.

RESOLUTION NO. 2005-1

A RESOLUTION COMMENDING RICHARD ZUPANCIC JR. FOR HIS SERVICE TO HIS COMMUNITY AND FOR CHILDREN IN NEED.

MOTION MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Somich to adopt Resolution 2005-1.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that Resolution No. 2005-1 has been adopted.

NEW BUSINESS

MOTION MADE BY COUNCILMAN WEGER, seconded by Councilman Reichelt to authorize the Mayor to advertise for bids for the Police Mobile Computers. The project will put mobile computers in 12 of the department's police cars at an estimated cost of \$78,000 with the cost being shared between the department's COPS More Grant and the Law Enforcement Trust fund.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis announced that the Mayor is authorized to advertise for bids for the mobile computers per the Police Mobile Computer System specifications and at an estimated cost not to exceed \$78,000.

MOTION MADE BY COUNCILMAN REICHELT, seconded by Councilman Weger to authorize the Mayor to enter into an agreement with the City of Willoughby for swimming pool passes for the City of Willoughby Hills residents at the same subsidy level of 2004.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Kamis declared that the Mayor is authorized to enter into an agreement with the City of Willoughby for swimming pool passes for the City of Willoughby Hills residents at the same subsidy level of 2004.

ADJOURN

MOTION MADE BY COUNCILMAN BIRO, seconded by Councilman Reichelt to adjourn.

Roll Call: 6 AYES - unanimous

MOTION PASSES

Adjourned at 9:25 p.m.

APPROVED: _____

Wilhelmina F. Kamis
Date: 27 2005

Wilhelmina F. Kamis

Wilhelmina F. Kamis
President of Council

ATTEST: _____

Victoria Ann Savage

Victoria Ann Savage, CMC
Clerk of Council