

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 November 10, 2011

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.

Meeting Called to Order at 7:00 p.m. by President Kevin D. Malecek

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. Brio,

Absent: Councilwoman Nancy E. Fellows

Also Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Frank J. Brichacek, City Engineer Richard J. Iafelice, Clerk of Council Victoria Ann Savage

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to excuse Councilwoman Nancy E. Fellows from attending the Regular Council Meeting of November 10, 2011.

Roll Call: 6 AYES **MOTION PASSES**

President Malecek stated that Councilwoman Nancy E. Fellows has been excused from attending the Regular Council Meeting of November 10, 2011.

Disposition of the Journal Regular Council Meeting of October 13, 2011

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to approve the Minutes of the Regular Council Meeting of October 13, 2011 as submitted.

Roll Call: Fiebig-yes, Germano-yes, Malecek-yes, Reichelt-yes, Somich-yes, Biro-abstain
5 AYES/1 Abstention **MOTION PASSES**

President Malecek declared that the Regular Council Meeting Minutes of October 13, 2011 have been approved as submitted.

Correspondence

- Mayor's Court Monthly Statement to City Council for the month ending October 31, 2011 (Emailed: November 8, 2011)
- Building Department to Administration and Members of Council, re: Sheriffs Sales in the City of Willoughby Hills, dated November 2, 2011 (Emailed: November 8, 2011)
- Letter from City Engineer to Pine Valley Homeowners Association, dated October 28, 2011 re: Pine Valley Homeowners Association (Emailed: November 8, 2011)
- City Engineer's Status Report for November 2011 (Emailed: November 3, 2011)

- **LETTER FROM PLANNING AND ZONING COMMISSION & ARCHITECTURAL BOARD OF REVIEW TO KEVIN D. MALECEK, COUNCIL PRESIDENT, DATED NOVEMBER 9, 2010 RE: COMPREHENSIVE LAND USE PLAN, DATED NOVEMBER 3, 2010**

Notifications

- Board of Building & Zoning Appeals will not meet November 8, 2011 for no appeals were received (Emailed: October 31, 2011)
- Planning and Zoning Commission & Architectural Board of Review Meeting of November 3, 2011 (Emailed: November 1, 2011)
- Recreation Commission Meeting of November 7, 2011 (Emailed: November 3, 2011 & November 4, 2011- Change of Meeting Location)
- Rules & Legislation Committee Meeting of November 7, 2011 (Emailed: November 4, 2011)
- Service Committee Meeting of November 7, 2011 (Emailed: November 4, 2011)

Minutes

- Rules & Legislation Committee Meeting Minutes of November 7, 2011 (Emailed: November 8, 2011)
- **PLANNING AND ZONING COMMISSION & ARCHITECTURAL BOARD OF REVIEW MEETING OF OCTOBER 6, 2011**
- **PLANNING AND ZONING COMMISSION & ARCHITECTURAL BOARD OF REVIEW MEETING OF SEPTEMBER 1, 2011**
- **SERVICE COMMITTEE MEETING OF NOVEMBER 7, 2011**

On File

- Willoughby Hills Senior Center Newsletter, November 2011, Issue Number 11

MAYOR'S REPORT – Robert M. Weger

- Camelot Court Paving Project Update
- Dodd's Road Bridge Completion Update
- Election Day Update & Thank You/Thanked Everyone for supporting his bid for Reelection
- **Acknowledgements**
Goodbye and Thank You to part-time Recreation Coordinator, Kelly Wright
Congratulations to Service Department Ken Richards celebrating 25 years of service this month
- **Upcoming Events**
Veterans Day Ceremony – November 11th
Art Gallery Reception featuring John Davis & Bill Pappas – November 11th from 7:00pm to 9pm
Christmas Card Lane Lighting – Thursday, December 1st at 7:00pm
Breakfast with Santa, Saturday, December 3rd from 8:30am to Noon – Reservations now being accepted

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

- No formal report was given.

FINANCE DIRECTOR'S REPORT – Frank J. Brichacek, Jr.

- No formal report was given.
- Financial Reports will be out Friday or Monday

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

- Referenced three pieces of legislation on this evening's Agenda: (1) Ordinance to accept three sewer easements, for a private sewer that will become a City sewer, south of White Road and have been discussed in the Utilities Committee; Replacement Ordinances for Chapters 1367 and 1369 that have been discussed and reviewed in the Service Committee and also an Ordinance to accept River's Edge Drive for public use and dedication that has met all the City's specifications and standards for acceptance for public use
- Camelot Court – restoration issues due to lateness of the season; asked the contractor to consider sod in lieu of seed – at no cost – the drainage as well as the cul-de-sac is vastly improved/great improvement

- Eddy Road Project – completed on time by Ronyak

COMMITTEE REPORTS

FINANCE – Raymond C. Somich, Chair

Committee Members: Nancy E. Fellows, David M. Fiebig

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

PLANNING & ZONING – David M. Fiebig, Chair

Committee Members: Frank A. Germano, David A. Reichelt

- Planning & Zoning Committee has not met; therefore, no formal report was given.
- Announced that a Planning & Zoning Committee Meeting will be scheduled for Monday, November 21st.

RECREATION – Nancy E. Fellows, Chair

Committee Members: Christopher L. Biro, David A. Reichelt

- Councilwoman Fellows was not in attendance; therefore no formal report was given.

RULES & LEGISLATION – Kevin D. Malecek, Chair

Committee Members: Frank A. Germano, David A. Reichelt

COMMITTEE MEETING NOVEMBER 7, 2011

Members Present: President Kevin D. Malecek, Chair, 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 discuss Potential Legislation and any other business.

Meeting convened at 7:15pm

Order of Business

Continued Discussion on **Ordinance 2011-56: Contractor Registration** – current set for Third Reading on Thursday. Fellows – still has some concerns about it – nebulous, could potentially set us up for litigation, have ordinance in place. Weger – must protect the residents and we need a remedy to do it – trying to be friendly to contractors, but also protect our residents. “For any good cause” added by the Law Director – would give us what we need – after the fact. Germano – if we put it out there, we can always take it back out as well. Reichelt – got to trust Building Official.

Recommendation to Adopt at Council on Thursday.

Ordinance 2011-60: Permanent Easement Ordinance for Sanitary Sewer

Iafelice – reported to the Council in Utilities Committee – three property owners who cut their own agreement on White Road, joined two property owners on White Road. These are the easements – operate and maintain sewer service to the City. Built to City’s specifications.

Recommendation to waive Three Readings and Adopt at Council on Thursday.

Ordinance 2011-##: Summer Sprinkling Program Amendments

Potential to repeal an amendment in the 2005 ordinance – they also found that we owe them money because the program is officially only for single-family homes and not condominiums – we negotiated and got the different – we want to correct that for next year. Reichelt – doesn’t the Summer Sprinkling program cost us anyway? Weger – only thing it costs us is our portion – in the condos, we have to pay Euclid the sewer rate to make it happen – it costs the City just for the condo owners, whereas for the home, no issue. Reichelt had spoken to one of them, Euclid is what it is – as long as we pay for it – was not in their agreement with us – only includes 1, 2, 3 family dwellings. Cleveland initiated the program – told Wickliffe, WH, and Willowick about it – Wickliffe was looking at it – we bought the program. How you could discriminate – has nothing to do with property taxes. They do pay a higher rate, when someone in a house can get credit for it. Perhaps we should get rid of it all together – would be generating more revenue and more equitable. How can you take those people and discriminate that? Instead of repairing the agreement, going to put a band-aid on it.

Will remain in Committee, not to be placed on Agenda. Will be heard in Utilities on November 21st.

Ordinance 2011-##: River's Edge Drive for Dedication/Public Use

Iafelice – long time in coming, never formally gone through acceptance – accept road for public use and dedication.
Recommendation to waive Three Readings and Adopt at Council on Thursday.

Ordinance 2011-##: Part-Time Road Worker

Weger – in the changes we made with the Service Department – hire PT people through an agency, there are some workers out there to hire residents and require the CDL Class B so they can drive the snowplow and little trucks. Have a couple of people lined up that have these qualifications. Protection for us to have people ready to plow – get some relief PT – leaves for three weeks and snowplowing for duration of winter.

Recommendation to waive Three Readings and Adopt at Council on Thursday.

Ordinance 2011-##: Deer Management over 5 acres

Mayor – definitely only be bow and arrow – 5 acres, can't be within 500 feet of a residence – drive into Gatsby – five of them sitting on the front lawn – there are just too many of them. Many research – passing around – park system also encouraged – help them out – totally regulated – know what they are doing. All the ODNR rules – not involved in tagging them, etc. Kirtland has this, Waite Hill has this, in our ordinance – no hunting in the City limits currently. Very regulated – ODNR controls the hunting – all other aspects under Ohio law. Fellows – Chief Collins – has been with City 11 years – any fatalities deer related – no – May and November worse months – mating and running – majority on the interstate. Fiebig – can we call the permit a “property management” permit – this isn't for recreational hunting – control population in an efficient way. Property management deer permit. Hunting prohibited is section and title of it currently. Still have to have hunting license for Ohio – September to February. Firearms is only a week. Muskets is another time. Is 5 acre the right number, or should be looking at 6 or 8? Most are one acre – got to be 300 feet. 5 up on the hill past Rogers.

Reichelt – consider about humanity – is bow and arrow the most humane way? It's the sport – bow and arrow – not accurate – people don't track it – take out of its misery. Things written about that in ODNR. Say it runs and sits next to house.

Will remain in Committee – not to be placed on the Agenda.

Also, the Service Committee recommended the advancement of the two ordinances referred to the Committee by Engineer Iafelice to the agenda at Thursday's meeting.

Weger – plan to have total budget done by December, and pass it over to the Council – pass before end of the year.

Public Portion

Frank Cihula – on contractor registration, current ordinance does a nice job – would not mess with 90 day thing – suspended after October 1st – all expire December 31st of every year – if they renew, they get a cheaper rate. February on they get that cheaper rate. Last issue with contractor – no authority to refuse to register – just talks about it – doesn't give authority to do that. For any good cause phrase, take it out and belabor that phrase. Sprinkling – our Summer sewer/water bill – one half of water units in some years – know sewers do not leak. Deer – my wife got hit by a 12-point buck on truck – cab repainted to get truck. Looked straight in the eye – hit back in – in favor of that ordinance. **Linda Fulton** – not in favor of deer ordinance – understand what Frank is saying – for a resident that has 5 acres or more. How many deer could they possibly get to make a difference – worried about residents that are not a good shot – then what, bring in coyotes. There are some wolf and fox in area. Can't see – have it on my property – deer do damage. Park system has shootings. Go out and shoot bow and arrow. Closed at 8:34pm

Meeting adjourned at 8:34pm

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.

SERVICE – Christopher L. Biro, Chair

Committee Members:

Nancy E. Fellows, Frank A. Germano

COMMITTEE MEETING OCTOBER 10, 2011

Members Present: Councilman Christopher L. Biro, Chair, Councilman Frank A. Germano,

Also Present: Councilman David M. Fiebig, President Kevin D. Malecek, Vice President David A. Reichelt,

Councilman Raymond C. Somich, Law Director Thomas G. Lobe, City Engineer Richard Iafelice
Purpose of the Meeting was to discuss Agenda and Issues as listed: (1) <u>Lamplight Lane</u>, (2) <u>Drainage Issues</u> (3) <u>2012 Road Program</u>, (4) <u>SOM Center Road-Bridge over I-90</u>, (5) <u>Capital Planning</u> and any other business.
Meeting convened at 6:03pm
<i>Order of Business</i>
Stormwater Management (Chapter 1367) and Erosion and Sediment Control Legislation (Chapter 1369) Updates: Discussed recommended modification to current ordinances and changes to both chapters. Changes address not only quantities but quality of runoff. Congress and EPA want to look at other sources of pollution and ways to mitigate. Changes in chapters involves improved methods of treating stormwater with new terminology. Biggest changes involve notification and compliance. These changes are being adopted by local communities and will keep us in compliance with our SWM and Erosion permits.
Changes will require more time and money through increased design and engineering specifications and more detailed inspections.
Engineer discussed fence repair on bridge over Rt 90 at ODOT cost and possibility for lettering on bridge to signify Willoughby Hills also at cost to ODOT. Consensus of Committee was for City Engineer to contact ODOT for acceptance of repairs to bridge. Lamplight Lane flooding analysis is underway and consulting with SWM officials on ways to mitigate flooding. Review of Gatsby flooding is also underway and will have discussions in future meetings. Engineer requests Council to prioritize service issue at Service Committee meetings and advise on direction for projects.
<i>Public Portion</i>
Public Portion opened at 7:00pm and Bob Kowalski came forward to ask questions about notification to landowners for inspections as well as non-service related issues. Public Portion closed at 7:09pm
Meeting adjourned at 7:10pm

COMMITTEE MEETING NOVEMBER 7, 2011
<u>Members Present:</u> Councilman Christopher L. Biro, Chair, Councilwoman Nancy E. Fellows, Councilman Frank A. Germano,
<u>Also Present:</u> Councilman David M. Fiebig, President Kevin D. Malecek, Vice President David A. Reichelt, Mayor Robert M. Weger, City Engineer Richard Iafelice
Purpose of the Meeting was to discuss Agenda and Issues as listed: (1) <u>Lamplight Lane</u>, (2) <u>Pine Valley & River's Edge Subdivision</u> (3) <u>Drainage Issues</u>, (4) <u>2012 Road Program</u>, (5) <u>SOM Center Road-Bridge over I-90</u>, (6) <u>Capital Planning</u> and any other business.
Meeting convened at 6:00pm
<i>Order of Business</i>
Stormwater and Erosion Update Ordinances Chapters 1367 and 1369: Continued discussions for modifications to chapters and ability for City to enter properties with water and drainage issues. The intent of the City is to help owners mitigate issues if possible and allow a reasonable time frame for fixing problems. Drainage problems for Lamplight Lane and Gatsby Lane discussed and potential solutions such as removing covered culverts and utilizing splash block for gutter drains. Consensus of Committee was to forward Ordinances with modifications to Council for adoption at 11/10/2011 Council Meeting.
WH Street Inventory: City Engineer Iafelice distributed binders with service agenda items that included an inventory of streets chronicling data such as length, pavement widths, upgrade dates etc. Council can use this reference for planning street projects and allocating funds for budgeting projects.
<i>Public Portion</i>
Public Portion was opened at 7:04pm - Linda Fulton and Cheryl Ota came forward to discuss drainage issues on Marcum and Parkview.
Meeting adjourned at 7:15pm

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

- There were no other Council Representative Reports presented.

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 7:20pm

1. Frank Cihula

Chair of the Board of Building and Zoning Appeals

Re: Ordinance No. 2011-62 – No Appeals Clause; Sale of Garfield School Memorabilia – Raised \$97.00
for improvement of the Garfield Site

Public Portion closed at 7:21pm

UNFINISHED BUSINESS

- There was no unfinished business to be addressed by Council.

LEGISLATION

ORDINANCE NO. 2011-56 – THIRD READING

AN ORDINANCE AMENDING PART THIRTEEN – BUILDING CODE, TITLE THREE – LOCAL BUILDING PROVISIONS, CHAPTER 1373 – REGISTRATION OF CONTRACTORS, SECTION 1373.08 – REVOCATION AND SUSPENSION OF REGISTRATION OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to adopt Ordinance No. 2011-56.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-56 has been adopted.

ORDINANCE NO. 2011-59 – SECOND READING

AN ORDINANCE APPROVING AND ADOPTING THE 2010 MASTER PLAN FOR COMPREHENSIVE LAND USE FOR THE CITY OF WILLOUGHBY HILLS OHIO.

President Malecek stated that Ordinance No. 2011-59 would remain on Second Reading.

ORDINANCE NO. 2011-60

AN ORDINANCE ACCEPTING A PERMANENT EASEMENT FOR THE OWNERSHIP, OPERATION AND MAINTENANCE OF A SANITARY SEWER ACROSS THE LANDS FOR EACH PROPERTY AS DESCRIBED IN EXHIBIT “A”; AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2011-60.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-60 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to adopt Ordinance No. 2011-60.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-60 has been adopted.

ORDINANCE NO. 2011-61

AN ORDINANCE AMENDING PART THIRTEEN - BUILDING CODE, TITLE THREE - LOCAL BUILDING PROVISIONS, CHAPTER 1367 – STORM WATER MANAGEMENT OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ORDINANCE NO. 2007-13.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2011-61.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-61 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to adopt Ordinance No. 2011-61.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-61 has been adopted.

ORDINANCE NO. 2011-62

AN ORDINANCE AMENDING PART THIRTEEN - BUILDING CODE, TITLE THREE - LOCAL BUILDING PROVISIONS, CHAPTER 1369 - EROSION AND SEDIMENT CONTROL OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ORDINANCE NO. 2004-4; AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2011-62.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-62 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Somich to adopt Ordinance No. 2011-62.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-62 has been adopted.

ORDINANCE NO. 2011-63

AN ORDINANCE ACCEPTING RIVER'S EDGE DRIVE AS A STREET FOR PUBLIC USE AND MAINTENANCE.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2011-63.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-63 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2011-63.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-63 has been adopted.

ORDINANCE NO. 2011-64

AN ORDINANCE ESTABLISHING AND FIXING THE COMPENSATION FOR THE POSITION OF PART-TIME ROAD WORKER AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2011-64.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2011-64 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to adopt Ordinance No. 2011-64.

Roll Call: 6 AYES

MOTION PASSES

President Malecek stated that Ordinance No. 2011-64 has been adopted.

NEW BUSINESS

- There was no new business brought forth to Council.

FOR THE GOOD OF THE ORDER

- Councilman Fiebig thanked Frank Cihula for selling Garfield School Memorabilia; thanked Florine O’Ryan, and Barb Araps for managing the Bake Sale Drive which helps the WH Lions and their Scholarship Program
- Councilman Fiebig announced that this Sunday, there will be a Eagle Scout Ceremony held at the WH Community Center for Brenden O’Ryan, great nephew of former Mayor and Mrs. O’Ryan. Congratulation to Brenden and his whole family.
- Councilman Somich announced the following events:
 - Veteran’s Service to be held tomorrow (November 11th); we owe a great deal of gratitude to all of our Veterans, please accept our thanks and feel very special on your day, for you are truly very important to this Community and to our Country.
 - Thursday, November 17th – Fund Raising Dinner/Raffle to be held at St. Noel Church to benefit St. Augustine Hunger Center, please contact St. Noel’s for more information.
 - Thanksgiving Polka Party to be held November 24-25-26-, 2011, downtown Cleveland – tickets are available – big anniversary year, after 48 years, this may be the last year under current administration of Tony Petkovek
- Mayor Weger congratulated Firefighter Tim Serazin – Cleveland Clinic’s Heroes Award Recipient and the entire Willoughby Hills Fire Department because every day they are doing something special.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Reichelt to adjourn the Meeting.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Malecek declared the Regular Council Meeting of November 10, 2011 to be adjourned at 7:33 p.m.

APPROVED: Deborah 12 2011
Date

Kevin D. Malecek
President of Council

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