

# City of Willoughby Hills

## Regular Council Meeting Minutes of September 23, 2010

*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 Kevin D. Malecek**

### *Pledge of Allegiance*

### **Roll Call of Council**

**Members Present:** President 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 9, 2010

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to approve the Minutes of the Regular Council Meeting of September 9, 2010.

**Roll Call: 6 AYES – w/Councilwoman Fellows abstaining MOTION PASSES**  
**President Malecek stated that the Regular Council Meeting Minutes of July 22, 2010 have been approved.**

### ***Correspondence***

- Building Clerk to Administration and Members of Council, dated September 20, 2010 re: Sheriffs Sales in the City of Willoughby Hills (Emailed: September 20, 2010)

### ***Notifications***

- 22<sup>nd</sup> Annual APA (American Planning Association) Cleveland Planning & Zoning Workshop to be held October 29, 2010 (Emailed: September 21, 2010)
- Board of Building and Zoning Appeals Meeting of September 14, 2010 (Emailed: September 13, 2010)
- Finance Committee Meeting of September 23, 2010 (Emailed: September 14, 2010)
- Planning & Zoning Commission & Architectural Board of Review Meeting of the September 16, 2010 (Emailed: September 15, 2010)
- Utilities Committee Meeting of September 23, 2010 (Emailed: September 14, 2010)

### ***Minutes***

- **Finance Committee Meeting of September 23, 2010**
- Planning and Zoning Committee & Architectural Board of Review Meeting of August 5, 2010 (Emailed: September 21, 2010)
- Rules & Legislation Committee Meeting of September 9, 2010 (Emailed: September 20, 2010)

• **Utilities Committee Meeting of September 23, 2010**

**MAYOR'S REPORT – Robert M. Weger**

- State Auditors have completed audit for 2008-2009; expect audit to be made public within the next couple of weeks
- Maple Slope Failure Project is almost complete – short list of clean up items – road is open
- Route 91 Widening Project
- Corp 90/Stark Drive Pump Stations – final stages
- Farmer's Market
- The Wright Place
- Mario Fazio – final stage
- Grange Roofing Project – funded by NOPEC Grant in the amount of \$15,000
- Town Hall Meeting for Ballot Issue 3 was held September 1<sup>st</sup> ; additional meetings scheduled for October 4<sup>th</sup> and October 25<sup>th</sup>
- Mailing sent out to all Trash/Recycling Customers – Magnet Calendar depicting weeks of recycling which are every other week and a magnet with Emergency Numbers
- Citywide Heavy Trash Pickup – no longer offered for it is offered through the Trash/Recycling Program
- NOPEC- Selection of Utilities Providers – information can be found on the City's website
- Resident Doris Behnke named volunteer of the year by the Cleveland Indians Volunteer Challenge for her work with the American Cancer Society
- Welcomed Senior Independent Adult Daycare located at the Willoughby Hills Friends Church it is in conjunction with the Breckenridge Village – Community Open House to be held September 29, 2010
- **Save the Dates:**
  - **September 26th**  
Doll Show to be held at the Community Center from 10:00 a.m. to 4:00 p.m.
  - **September 30th**  
CityMusic Cleveland will be performing at St. Noel Church at 7:30 p.m.
  - **October 2nd**  
Early Childhood Sale will held at the Community Center from 8:00 p.m. to 2:00 p.m.
  - **October 4th**  
Town Hall Meeting: Issue 3 – Income Tax Increase to be held at the WH Community Center 7:00 p.m.
  - **October 9th**  
Craft Fair – WH Community Center from 10:00 a.m. to 4:00 p.m.
  - **October 25th**  
Town Hall Meeting: Issue 3 – Income Tax Increase to be held at the WH Community Center 7:00 p.m.

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

- Status of Litigation
- Adoption of Ordinance No. 2010-32 – pertaining to mandatory updates to Chapter 925 – Sewerage Usage
- Ordinance No. 2010-34 – requests that this Ordinance remain on First Reading based upon issues that were raised in the Finance Committee Meeting held this evening

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

- State Auditors completed the 2008/2009 Audit and should be releasing their findings to the City

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

- Corp 90/Stark Drive Pump Station Projects – some amount of electrical work to be completed; work being done by the Service Department in lieu of a General Contractor
- Maple Grove Slope Failure Project has been completed – minor punch-list items remain

- Status of the ECTW Sewer Project – Cricket Lane scheduled to be paved
- Contractor Fabrizi proceeding on revised schedule; intent is to complete all the mainline sewer and laterals by the end of the year, if everything tests and is accepted, connections will be made next year – March 2011 and then final contract completion will be June 2011 obviously with restoration being the primary issue
- Added language to the City’s Website – received numerous questions pertaining to crabgrass – additional landscaping to be done next Spring
- Timing is critical due to the assessment process we have to certify final costs to the Auditor by September in order to be on the books for tax collection in 2012
- ODOT Project on SOM – Delayed by CEI with services and connections to the traffic signals
- Establishing Routine Committee Meetings for Service and Utilities to review five (5) year infrastructure planning as well as discuss various issues of the day pertaining to Service and Utilities

**President Malecek stated that what we are looking at is to have one meeting a month for Service and Utilities; next month we will probably schedule the Service Committee before one of the Regular Council Meetings and then Utilities will probably be held on one of the Mondays when the Rules & Legislation Committee is called to meet. For months proceeding, we hope to have one meeting held prior to a Regular Council Meeting and then the other meeting following two weeks later. President Malecek stated that he will put out a Memo to this effect and how we will be scheduling meetings as we come to the end of the calendar year.**

**FINANCE – Raymond C. Somich, Chair**

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

<b>COMMITTEE MEETING SEPTEMBER 23, 2010</b>
<b><u>Members Present:</u> Raymond C. Somich, Chair, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig</b>
<b><u>Also Present:</u> Councilman Christopher L. Biro, Councilman Frank A. Germano, President Kevin D. Malecek (late), Mayor Robert M. Weger, Finance Director Joseph G. Mirtel</b>
<b><u>Purpose of the Meeting was to discuss City Finances and any other business.</u></b>
<b>Meeting convened at 5:37 p.m.</b>
<b><i>Order of Business</i></b>
<ul style="list-style-type: none"> <li>• Meeting called to review July and August reports and bank reconciliations – no concerns were voiced</li> <li>• Finance Director Joseph Mirtel said there were minor appropriations changes to follow at next Council Meeting</li> <li>• Payables still being maintained despite slow cash flow</li> <li>• Income Tax Revenue a little higher than budgeted, due to corporate income amounts</li> <li>• Most other Revenue estimates are pretty even with what is coming in</li> <li>• Commended Mr. Mirtel and Staff on recent State Audit work</li> <li>• Re-Ballot Tax Issue – failure to pass will result in cutting staff in Police, Fire, Service Departments, Salt Reductions, Leaf Pickup</li> <li>• Union Contract Negotiations cannot begin until after election</li> <li>• If levy (<i>actually Income Tax Increase</i>) passes, will restore Fire Staff to be able to make two squad runs at a time</li> <li>• Committee for Independent Review – their work expected to be done by end of year. They meet every 2 weeks plus have worked as subcommittees</li> <li>• <u>Ordinance No. 2010-34</u> – recommended for Council to pass. Noted that value is under \$1,000 but want minimum bid of \$1,100</li> </ul>
<b><i>Public Portion opened at 6:00 p.m.</i></b>
<b>Frank Cihula – Mayor did excellent job at Senior event</b>
<b>Robert Kowalsky – Concerns for Independent Review Committee</b>
<b>Meeting adjourned at 6:08 p.m.</b>

**PLANNING & ZONING – David M. Fiebig, Chair**

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

- The Planning & Zoning Committee has not met; therefore no formal report was given.
- Encouraged everyone to review the Master Plan; looking to adopt by the end of the year

**RECREATION – Nancy E. Fellows, 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**

- The Rules & Legislation Committee has not met; therefore no formal report was given.
- Ordinance No. 2010-32 – Reviewed in Utilities Committee
- Ordinance No. 2010-34 – Reviewed in Finance Committee and will remain on First Reading

**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**

- The Service Committee has not met; therefore no formal report was given.
- As the City Engineer alluded to, there are many issues that need to be addressed by the Service Committee; therefore a Committee Meeting will be scheduled prior to the next Regular Council Meeting

**UTILITIES – Frank A. Germano, Chair**

**Committee Members: Nancy E. Fellows, Raymond C. Somich**

<b>COMMITTEE MEETING SEPTEMBER 23, 2010</b>
<b><u>Members Present:</u> Councilman Frank A. Germano Chair, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich</b>
<b><u>Also Present:</u> Councilman Christopher L. Biro, President Kevin D. Malecek, Councilman David M. Fiebig, Councilman David A. Reichelt, Mayor Robert M. Weger, City Engineer Richard Iafelice</b>
<b><u>Purpose of the Meeting was to discuss Various Planning Issues for the Sanitary Sewer and any other business.</u></b>
Meeting convened at 6:11 p.m.
<i>Order of Business</i>
<b><u>Ordinance 2010-32</u></b> Brief history/EPA mandated for these rules; basically for commercial, industrial properties Consensus to waive the Three Reading Rule and Adopt at Council this evening.
<b><u>Green Ridge Sewer Area</u></b> Corrected problem areas
Lamplight, Camelot, Canterbury checked by the Service Department, so far no illegal connections
<i>Public Portion opened at 6:54 p.m.</i>
Frank Cihula – BP on 91 under new regulation of 2010-32; Sprinkler Program affecting the usage numbers Bob Kowalsky – Willoughby nailed for Mercury/fix as you go along
Meeting adjourned at 7:00 p.m.

**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 reports given.

## **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 7:25 p.m.**

1. Robert Kowalsky  
2585 Timberline Drive  
Re: Tax Hike – Members of Council weighing in on if it is the solution or not; wanted the Members of Council’s position on Tax Hike

**Public Portion was closed at 7:26 p.m.**

## **UNFINISHED BUSINESS**

- **Councilman Reichelt responded to commentary made during Public Portion. Councilman Reichelt explained that the purpose of the Town Hall Meetings is to discuss Issue 3. There were Members of Council present at the last Town Hall Meeting and they made their positions clear with respect to the Issue.**
- **Councilman Somich responded to commentary made during Public Portion, stating that the purpose of the Town Hall Meetings is to give an unbiased presentation of the facts and not to coerce anyone to vote one way or another. The Town Hall Meeting is an opportunity to present information and to be there to talk to the residents and answer any question(s) that they may have.**

## **LEGISLATION**

### **ORDINANCE NO. 2010-32 – SECOND READING**

**AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 925 – SEWERAGE SYSTEM REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.**

**MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2010-32**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2010-32 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to adopt Ordinance No. 2010-32.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2010-32 has been adopted.**

### **ORDINANCE NO. 2010-34**

**AN ORDINANCE DECLARING CITY VEHICLE(S) AND/OR EQUIPMENT AS SURPLUS PROPERTY AND GRANTING AUTHORIZATION TO SELL SAID SURPLUS VEHICLE(S) AND EQUIPMENT ON THE OPEN MARKET, UPON SUCH TERMS AND AT SUCH PRICES AS ARE DEEMED MOST ADVANTAGEOUS TO THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.**

**President Malecek stated that Ordinance No. 2010-34 will remain on First Reading.**

## **NEW BUSINESS**

- There was no new business was brought forth to Council.

**FOR THE GOOD OF THE ORDER**

- Councilman Somich announced the following: Veteran's Appreciation Day being held in the Veteran's Park in Painesville from 1:00 p.m. to 3:00 p.m. This event is honoring all Veteran's in the Greater Cleveland Area.
- Councilman Somich announced the following: Lake County Business Expo will be held next Tuesday, October 5<sup>th</sup> at Lost Nation Sports Park from 3:00 p.m. to 7:00 p.m.
- Councilwoman Fellows gave kudos to the Lake County Captains being named 2010 Midwest Champions
- Councilman Reichelt announced that a Meeting of the Noise Abatement Council will be held at the Cuyahoga County Airport on Wednesday, September 29<sup>th</sup> at 10:00 a.m.
- President Malecek announced that CityMusic Cleveland will be performing at St. Noel Church on Thursday, September 30<sup>th</sup> at 7:30 p.m.

**ADJOURNMENT**

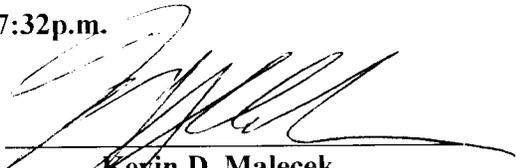
**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Reichelt to adjourn the Meeting.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that this Meeting of Council is adjourned at 7:32p.m.**

**APPROVED:** October 14 2010  
Date

  
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**Kevin D. Malecek**  
*President of Council*

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