

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of January 22, 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.*

7:03 p.m. Regular 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, City Engineer Richard Iafelice, Clerk of Council Victoria Ann Savage

#### Disposition of the Journal      Regular Council Meeting of January 8, 2008

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Germano to approve the Regular Council Meeting Minutes of January 8, 2009 as submitted.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Regular Council Meeting Minutes of January 8, 2009 have been approved as submitted.**

#### *Correspondence*

- Richard Iafelice, City Engineer to Ohio Environmental Protection Agency, dated January 7, 2009 re: City of Willoughby Hills/ECTW-Area "C"/WPCLF Modified Loan Schedules
- Ohio Ethics Commission, dated January 12, 2009 re: 2008 Pre-Printed Financial Disclosure Statements
- **FINANCIAL REPORTS: CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR MONTH ENDING DECEMBER 2008**

#### *Notifications*

- Civil Service Commission Meeting of February 2, 2009
- **Notification of Time Change** for the Personnel Relations Meeting held January 12, 2009
- Planning and Zoning Commission & Architectural Board of Review Cancellation of December 15, 2008 Meeting
- **Notification of Date and Time Change** for the Planning & Zoning Meeting held January 12, 2009
- Planning & Zoning Committee Meeting of January 20, 2009
- **Notification of Time Change** for the Recreation Committee Meeting held January 12, 2009
- Rules & Legislation Committee Meeting of January 20, 2009
- **Notification of Date and Time Change** for the Safety Committee Meeting held January 12, 2009
- Utilities Committee Meeting of January 19, 2009

- Ohio Department of Natural Resources/Office of Coastal Management – Request for Projects for Land Acquisition Grant Program for Federal Fiscal Year 2010

### **Minutes**

- Board of Building and Zoning Appeals Meeting of November 11, 2008
- Planning and Zoning Commission & Architectural Board of Review Meeting of December 4, 2008
- Recreation Commission Meeting of December 2, 2008
- **PERSONNEL RELATIONS COMMITTEE MEETING OF JANUARY 12, 2009**
- **RECREATION COMMITTEE MEETING OF JANUARY 12, 2009**

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

#### **Services**

Willoughby Hills Post Office – Zip Code  
 Petition being circulated for zoning changes  
 Brush pile bidding done – 5 bids – recommend accepting \$5,890 bid from Sagamore Soils/BET Trucking, Inc.  
 Reminder - RITA is the City's Tax Collection Agency  
 RITA Tax Assistance – Friday, March 6, 2009 and Monday, March 16, 2009, from 12-7pm  
 AARP Tax Form Assistance for Seniors (Federal and State Forms) – call Mayor's Office to schedule appointments every Tuesday beginning 2/3/09 to 4/7/09 at the WH Community Center  
 Willoughby Hills Day at Lake County Captains Stadium as a summer event for our residents and friends

#### **Appointments**

New member appointed to Planning and Architectural Board of Review Commission: John Davis  
 New member appointed to BZA: Ron Caporossi  
 New member appointed to Recreation Commission: Joe Jarmuszkiewicz

#### **A Round of Thanks**

W. H. Service Department – Excellent job with ice and snow removal

#### **Events**

Annual Pancake Breakfasts:  
 Recreation Commission sponsored: Sunday, March 1 & March 8  
 W.H. Lions Club sponsored: Sunday, March 15  
 Working on Willoughby Hills Day at Lake County Captains Stadium as a summer event for our residents and friends

#### **Legislation**

Supports the legislation before Council this evening, Ordinance No. 2009-3 and Ordinance No. 2009-4

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

Initiative Petition served the City on January 13, 2009 – for a proposed Ordinance to amend the Zoning Code and Zoning Map of the City of Willoughby Hills by changing the zoning of a certain parcel of land containing approximately 22.8605 acres from the Classification of R-1 Traditional Single Family to SCR Senior Citizen Residential District. The property is located at 364790 Maple Grove Road, West of River road and East of S.R. 91.  
 Provided an update regarding the status of litigation

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

Distributed the Financial Reports consisting of Cash Reconciliation, Purchase Orders and Fund Balance, for the month ending December 2008  
 Balanced the Cash Reconciliation Report for the end of 2008 – the Fund Balance Report contains no negative fund balances or expenditures that exceeded appropriations  
 IT/Dispatch Project – Council to consider some alternative and additional revenues for this project

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

**Illicit Discharge and Illegal Connection Control Ordinance** – need to move ahead with the Ordinance within this First Quarter

**Final Inspection of Chardon Road**

**Classic/BMW Facility – Restoration Activities** - move forward with the review of the plat

**ECTW – Assessment Area C** – Utilities Committee to meet at least every two weeks

**COMMITTEE REPORTS**

**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.

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

**Committee Members:** David M. Fiebig, Frank A. Germano

The Planning & Zoning Committee met on January 12<sup>th</sup> and again on January 20<sup>th</sup>

**COMMITTEE MEETING OF JANUARY 12, 2009**

**Members Present:** Chair David A. Reichelt, Councilman David M. Fiebig, Councilman Frank A. Germano,  
**Also Present:** Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, President Kevin D. Malecek, Mayor Robert M. Weger

**Purpose of the Meeting was to discuss Changes in Zoning Code and any other business.**

**Meeting convened at 10:00 p.m.**

***Order of Business***

- Due to the late hour, hard copies were dissimulated to the Committee and a very brief overview was given as to the modifications proposed to the Zoning Code in Chapters: 1121, 1103.02, 1111.05, 1133.10, 1133.11 and 1151.06.
- **The Committee agreed to schedule another at a later date.**

***Public Portion***

**Public Portion was held at 10:06 p.m.**

**Meeting adjourned at 10:12 p.m.**

**COMMITTEE MEETING OF JANUARY 20, 2009**

**Members Present:** Chair David A. Reichelt, Councilman David M. Fiebig, Councilman Frank A. Germano,  
**Also Present:** Councilman Christopher L. Biro, Councilman Raymond C. Somich, Mayor Robert M. Weger, Law Director Thomas G. Lobe

**Purpose of the Meeting was to discuss Changes in Zoning Code and any other business.**

**Meeting convened at 7:31 p.m.**

***Order of Business***

The purpose of this meeting was to discuss proposed changes to the Zoning Code and arrive at a consensus as to their future. Some of them have already been drafted in Ordinance form; others are just suggested language that will need to be developed into that form.

- 1. The modification of Chapter 1121**  
Clarifies what happens to zoning conditions when a building is destroyed. This proposed change was recommended by David Hartt, our Planning and Zoning consultant, and has been reviewed by our Law Director.
- 2. The modification of Section 1111.05**  
Proposed change would give the Chief Building Official the discretion to waive formal procedures for minor modifications that meet the spirit of the zoning code.
- 3. The modification of Section 1151.06**  
Proposed change would allow pole signs on properties zoned B-2 or B-3 located on Bishop Road between I-90 and Chardon Road, and on Chardon Road West of Bishop Road.
- 4. The modification of Section 1133.10**  
Proposed change would increase the permissible size of free-standing accessory buildings from 600 square feet to 960 square feet. BZA Chairman Cihula submitted a table outlining an additional option for the calculation. The consensus was to proceed with the proposed change using the standard calculation as specified in the center column of Mr. Cihula’s submittal (which is the method currently included in the existing code).
- 5. The modification of Section 1133.11**  
Proposed change to amend the regulations for accessory use in single family residential districts as they pertain to the sale and parking of vehicles.

**6. The modification of Section 1117.09**

Proposed change would relieve zoning variance applicants from the responsibility to generate the list of property owners within 500 feet of the property.

After a thorough discussion and some wording modifications, the consensus was to advance all of the aforementioned items, through the procedure outlined in the Zoning Code Section 1119.02. Some of these items have already been approved by the Planning Commission and others will need to be submitted to them, in Ordinance form. Ultimately, all of them will be brought before Council for formal consideration and there will be public hearings throughout the process, as outlined in Section 1119.

***Public Portion***

**Public Portion – opened at 8:32pm**

**Frank Cihula** – commented on the wording of the proposed change regarding pole signs, prefers ground signs like on Tyler Blvd. in Mentor and in Mayfield. He asked if the committee would consider the change in the definition of lot size that he submitted. (He was advised that this issue was not being considered at this time.)

**Linda Fulton** – believes it is improper for the Chairman to ask for a unanimous consensus and is concerned about the proposed regulations regarding the sale of vehicles being burdensome on residents.

**Bob Kowalsky** – it’s the showing of the car, not the selling. You mixed the words up, the laws should be harsher? After how much hardship – you can’t make a law harsher – it’s just like the old Sahara club – that’s the way it works. There isn’t 40 people on Chardon Road showing calls all year long. You find pole signs in Cleveland stating human hair sold here. There all blown out – no good. He took pole signs away all these years and it worked. It’s not going to help them. If you allow them there, they’ll want to do it over here. The Animal Hospital wants a pole sign. You didn’t show this stuff to nobody till right here. Why don’t we just get a King so we can go to see him on Wednesday and he says yes or no or whatever you want. What are you telling me? They should either come and OK fine, or what is it going to say? The Building Inspector said it wasn’t very much, but someone else says it was quite a bit. We know Emerald Lakes – we’re talking about Mr. Stark – he didn’t go after the restrictions? He did it to sell. That’s what that whole deal is about. Can you say there are five people selling cars bothering people? The deal on the State law is it designates you a dealer or not. Are you going after whether a person is a Dealer or not? You say on Commercial? What if Fosters want to put three resident’s cars in there all the time? Or old Ruff’s wants to put a half dozen cars in there all the time? You said you could do it. You told him you should go to those parking lots.

**Public Portion – closed at 8:47pm**

**Meeting adjourned at 8:52 p.m.**

**RECREATION – David M. Fiebig, Chair**

**Committee Members:**

**Christopher L. Biro, David A. Reichelt**

**COMMITTEE MEETING OF JANUARY 12, 2009**

**Members Present:** Chair David M. Fiebig, Councilman Christopher L. Biro, Councilman David A. Reichelt

**Also Present:** Councilwoman Nancy E. Fellows, Councilman Frank A. Germano, Councilman Raymond C. Somich, Mayor Robert M. Weger

**Note:** Recreation Coordinator Leslie Harmon was not in attendance

**Purpose of the Meeting was to discuss Chapter 941 – Use of Public Property and any other business.**

**Meeting convened at 6:50 p.m.**

***Order of Business***

**Discussion regarding the setting of rates by Council for Public Property. Proposed draft discussed. No firm consensus. It was the wishes of the Committee to delete sections, revise and revisit.**

***Public Portion***

**Public Portion opened at 7:30 p.m.**

Comments from Frank Cihula, Mort & Florine O’Ryan, Robert Kowalsky, Linda Fulton, Joyce Grady, Gloria Majeski

**Public Portion was closed at 8:15 p.m.**

**Meeting adjourned at 8:19 p.m.**

**RULES & LEGISLATION – Kevin D. Malecek, Chair**

**Committee Members:**

**Frank A. Germano, David A. Reichelt**

**President Malecek deferred to Vice-Chair David A. Reichelt to report on the Rules & Legislation Committee Meeting held on January 20, 2009**

**COMMITTEE MEETING OF JANUARY 20, 2009**

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

**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Raymond C. Somich, Mayor

<b>Robert M. Weger, Law Director Thomas G. Lobe</b>
<b>Purpose of the Meeting was to review Pending Legislation and any other business.</b>
Meeting convened at 7:13 p.m.
<i>Order of Business</i>
<b>In the absence of Chairman Malecek, Vice Chairman Reichelt presided and presented the following legislation:</b>
<b><u>Ordinance 2009-03</u></b> Acceptance of a bid from Vasu Communications of Avon, Ohio for the technology portions of the Dispatch Renovation Project, in the amount of \$214,526.31.
<b><u>Ordinance 2009-04</u></b> Acceptance of a bid from Xybix Systems, Inc. of Littleton Colorado, for the Dispatch Cabinetry Systems, a portion of the Dispatch Renovation Project, in the amount of \$63,786.
For both of these Ordinances, a bid summary and purchase recommendation was submitted by our Technology Consulting Firm (L-Tronics, Inc). Upon review by the Finance Director, the successful bidder was selected. The Ordinances were then created and are hereby presented to this Committee for consideration.
<b><u>Point of explanation from Councilman Reichelt:</u></b> “As a matter of full disclosure, and for the Council record, I want to state that I am the principal of L-Tronics, Inc. and am providing my consultation services on the Dispatch Renovation Project, free of charge to the City, with the approval of the Ohio Ethics Commission and the Office of the Ohio Attorney General, and will therefore abstain from voting on this matter.”
<ul style="list-style-type: none"> <li>• Due to this abstention and the lack of sufficient Committee members present at this meeting, the question of recommending these Ordinances for further consideration was posed to <b>all</b> of the Council Members present at this January 20<sup>th</sup> Rules and Legislation Committee Meeting. It was their consensus to forward these Ordinances to Council for consideration at their Regular Meeting on January 22<sup>nd</sup>.</li> </ul>
<i>Public Portion</i>
<b><u>Public Portion was opened at 7:24 p.m.</u></b> Frank Cihula – questioned the type of new technology that will be employed in the dispatch center project and if the radio console would be connected to the internet. Mr. Reichelt indicated that the new technology would be ROIP (Radio Over IP) and that although capable, it would not be connected to the internet for security reasons.
<b><u>Public Portion was closed at 7:26 p.m.</u></b>
Meeting adjourned at 7:26 p.m.

**SAFETY – David A. Reichelt, Chair**

**Committee Members:**

**Christopher L. Biro, David M. Fiebig**

<b>COMMITTEE MEETING OF JANUARY 12, 2009</b>
<b><u>Members Present:</u></b> Chair David A. Reichelt, Councilman Christopher L. Biro, Councilman David M. Fiebig
<b><u>Also Present:</u></b> Councilwoman Nancy E. Fellows, Councilman Frank A. Germano, President Kevin D. Malecek, Councilman Raymond C. Somich, Mayor Robert M. Weger
<b><u>Purpose of the Meeting was to review Public Meeting Security Policy and any other business.</u></b>
Meeting convened at 8:18 p.m.
<i>Order of Business</i>
<b>Briefly discussed a drafted <u>Ordinance No. 2009-3 – Public Meeting Security Policy</u></b> It was decided that several changes were desired, and basically not ready. Another meeting will be required to further review the draft Ordinance, if Council decides move forward with it.
<i>Public Portion</i>
<b><u>Public Portion was opened at 8:35 p.m.</u></b> With comments coming forth from Frank Cihula, Joyce Grady, and Robert Kowalsky
<b><u>Public Portion was closed at 8:45 p.m.</u></b>
Meeting adjourned at 8:45 p.m.

**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.

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

**Committee Members:**

**Nancy E. Fellows, Raymond C. Somich**

**COMMITTEE MEETING OF JANUARY 19, 2009**

**Members Present:** Chair Frank A. Germano, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich  
**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Mayor Robert M. Weger, City Engineer Richard Iafelice

**Purpose of the Meeting was to discuss Sanitary Sewer Project – Assessment Area C and any other business.**

Meeting convened at 7:10 p.m.

*Order of Business*

Discussed various properties in Assessment Area C that might pose a problem in assessing. Also mentioned the Pump Stations at Stark and Corp 90 – improvements pending

*Public Portion*

**Public Portion was opened at 8:26 p.m.**

Frank Cihula – White Road private sewer size

Bob Kowalsky – Railing on Bishop Road; Sewer to Richmond

**Public Portion was closed at 8:32 p.m.**

Meeting adjourned at 8:32 p.m.

**PERSONNEL RELATIONS – Christopher L. Biro, Chair**

**Committee Members:** Raymond C. Somich, Mayor Robert M. Weger

**COMMITTEE MEETING OF JANUARY 12, 2009**

**Members Present:** Chair Christopher L. Biro, Councilman Raymond C. Somich, Mayor Robert M. Weger

**Also Present:** Councilman David M. Fiebig, Councilwoman Nancy E. Fellows, Councilman Frank A. Germano, President Kevin D. Malecek, Councilman David A. Reichelt

**Purpose of the Meeting was to discuss Employee Compensation and any other business.**

Meeting convened at 8:50 p.m.

*Public Portion*

**Public Portion was opened at 8:50 p.m.**

The following persons came forth to give public comment: Joyce Grady, Linda Fulton, Frank Cihula and Robert Kowalsky

**Public Portion was closed at 8:55 p.m.**

*Order of Business*

City Employee Compensation and Union Contract Negotiations. Personnel Relations Committee adjourned to Executive Session in Conference Room at 8:55 p.m. and reconvened in Council Chambers at 9:58 p.m.

Meeting adjourned at 10:00 p.m.

**WORKING COMMITTEE OF COUNCIL – Kevin D. Malecek, President of Council**

The Working Committee of Council has not met; therefore is no formal report was given.

**OTHER COUNCIL REPRESENTATIVE REPORTS**

- Councilman Fiebig stated that Mr. DuBina of the Corporate Communications Division of our local Cleveland Office of the United States Postal Service could be contacted if there are any issues with the Willoughby Hills address being recognized as a deliverable address. Any residents having problems in receiving their mail may call the Mayor’s Assistant and Mr. Dubina can then be notified.

- Councilman Fiebig thanked Mr. DuBina on behalf of the City Officials who traveled to Washington and for the citizens of the City who can now receive mail addressed to Willoughby Hills.

**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 7:34 p.m.

1. Robert Kowalsky

2585 Timberline Drive

Re: **Funds 251 and 291**; Referenced a Financial Memo dated November 21, 2007

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

**UNFINISHED BUSINESS**

- Councilman Somich addressed Mr. Kowalsky's comments and concerns with respect to the City's financial records, specifically relating to Fund 251 and 291.
- Law Director Lobe further commented on the actions taken by Council at the recommendation of the State Auditor's Office and stated that the City is currently awaiting the audit for 2006.

**LEGISLATION**

**ORDINANCE NO. 2009-3**

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**AN ORDINANCE ACCEPTING THE BID OF VASU COMMUNICATIONS INC. OF AVON, OHIO FOR TECHNOLOGY SYSTEMS FOR THE DISPATCH CENTER PROJECT AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-3.

**Roll Call: 6 AYES – with Councilman Reichelt abstaining** **MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-3 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to adopt Ordinance No. 2009-3.

**Roll Call: 6 AYES – with Councilman Reichelt abstaining** **MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-3 has been adopted.**

**ORDINANCE NO. 2009-4**

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**AN ORDINANCE ACCEPTING THE BID OF XYBIX SYSTEMS, INC. OF LITTLETON, COLORADO FOR THE CONSOLE CABINERY SYSTEMS FOR THE DISPATCH CENTER PROJECT AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2009-4.

**Roll Call: 6 AYES – with Councilman Reichelt abstaining** **MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-4 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to adopt Ordinance No. 2009-4.

**Roll Call: 6 AYES – with Councilman Reichelt abstaining** **MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-4 has been adopted.**

**NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilwoman Fellows to declare as surplus property the following items (3) prisoner cages with gun locks for a Ford Crown Victoria with said items being worth less than \$1,000.00.

**Roll Call: 7 AYES – unanimous** **MOTION PASSES**

**President Malecek declared that (3) prisoner cages with gun locks for a Ford Crown Victoria, with said items being worth less than \$1,000.00 have been declared as surplus property.**

**FOR THE GOOD OF THE ORDER**

- Councilman Somich thank Councilman Reichelt on behalf of Council and Administration for the work that he has done and the work that he continues to do with the Dispatch Center. He gives us excellent reports and



recommendations and it is all being done on a no cost to the City basis. This is an incredible opportunity that our City has to have a man of those abilities and that knowledge and expertise at no cost to the City.

- Councilman Somich announced that Willoughby Hills Auto Repair will be honored by the Willoughby Area Chamber of Commerce on Friday, January 30, 2009. Please contact the Willoughby Area Chamber of Commerce for details.
- Councilman Somich announced that the largest Blood Donor Drive in Northeast Ohio is being held on January 10, 2009 at Landerhaven from 7:00 a.m. to 7:00 p.m.
- Councilman Fiebig announced that the January Meeting of the Willoughby Hills Historical Society will be held Wednesday, January 28, 2009 at 7:30 p.m. in the Historical Society Room located within the WH Community Center.
- Councilman Reichelt reminded everyone of the City's Pancake Breakfasts to be held in March
- Councilman Reichelt encouraged everyone to check the City's Website: [www.willoughbyhills-oh.gov](http://www.willoughbyhills-oh.gov)

## **ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Reichelt 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 7:47 p.m.**

**APPROVED:** \_\_\_\_\_  
Date

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

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