

City of Willoughby Hills

Regular Council Meeting

Minutes of April 23, 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.

7:00 p.m. Regular Meeting of Council Called to Order by President Council

Pledge of Allegiance

Roll Call of Council

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

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

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to amend the Agenda to include Proclamations to be given by the Mayor.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that the Agenda for the Regular Council Meeting of April 23, 2009 has been amended.

Public Hearing

Public Hearing was convened at 7:03 p.m. to address the following Ordinances:

ORDINANCE NO. 2009-12 – THIRD READING

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – CODE ADMINISTRATION, CHAPTER 1111 – DEVELOPMENT PLAN REVIEW PROCEDURES, SECTION 1111.05 – MINOR ALTERATIONS REVIEWED BY ZONING ADMINISTRATOR OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

ORDINANCE NO. 2009-13 – THIRD READING

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – CODE ADMINISTRATION, CHAPTER 1117 – APPEALS AND VARIANCES, SECTION 1117.09 – VARIANCES, SUB-SECTION (a) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

ORDINANCE NO. 2009-14 – THIRD READING

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – CODE ADMINISTRATION, CHAPTER 1121 – NONCONFORMING USES, LOTS, AND STRUCTURES, SECTIONS 1121.01 – PURPOSE, 1121.03 – NONCONFORMING USES OF BUILDINGS, STRUCTURES OR LAND, AND 1121.04 – NONCONFORMING BUILDINGS AND STRUCTURES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

ORDINANCE NO. 2009-15 – THIRD READING

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1133 – SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS, SECTION 1133.10 – ACCESSORY USE REGULATIONS FOR SINGLE – FAMILY DETACHED DWELLINGS, SUB-SECTION (g) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

ORDINANCE NO. 2009-16 – THIRD READING

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE NINE – SIGNS, CHAPTER 1151 – SIGN REGULATIONS, SECTION 1151.06 – PROHIBITED SIGNS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

ORDINANCE NO. 2009-17 – THIRD READING

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE ELEVEN – SUPPLEMENTAL DEVELOPMENT STANDARDS, CHAPTER 1157 – GENERAL USE REGULATION, SECTION 1157.07 – ADDITIONAL REGULATIONS REGARDING MOTOR VEHICLES IN RESIDENTIAL ZONING DISTRICTS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

1. **Robert Kowalsky**
2585 Timberline Drive
Re: Planning and Zoning Changes: Ordinance dealing with Pole Signs within the City; Definition of Pole Signs; Ordinance dealing with Illicit and Illegal Discharge; Sale of Motor Vehicles
Public Hearing was closed at 7:08 p.m.

Proclamation

Mayor Weger presented Elaine Hersch of Celebrations Café with a Proclamation. Elaine was recognized as Cleveland’s best cater in Northeast Ohio,

Disposition of the Journal Regular Council Meeting of April 9, 2009

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to approve the Regular Council Meeting Minutes of April 9, 2009 as submitted.

Roll Call: 6 AYES/with Councilman Somich abstaining

President Malecek declared that the Regular Council Meeting Minutes of April 9, 2009 have been approved as submitted.

Correspondence

- Kevin M. Delaney, Acting Chair NAC/Airport Manager to Ms. Victoria A. Savage, Clerk of Council, dated April 16, 2009 re: Noise Abatement Council Meeting Notification – as distributed to Council and the Administration
- Matthew J. Thys, Manager/Detroit Airports District Office, to Ms. Victoria Ann Savage, Clerk of Council dated April 8, 2009 re: Cuyahoga County Airport, Cleveland, Ohio/City of Willoughby Hills Letter dated March 27, 2009 and Resolution No. 2009-4
- Charlotte Schryer, Chair of the Planning and Zoning Commission to Kevin D. Malecek, Council President and Members of Council, dated April 20, 2009 re: Ordinances: 2009-12, 2009-13, 2009-14, 2009-15, 2009-16, 2009-17

Notifications

- Ad-hoc Committee of Council Against Any and All Expansion of the Cuyahoga County Airport Meeting of May 4, 2009
- Finance Committee Meeting of April 23, 2009
- Personnel Relations Committee Meeting of April 20, 2009
- Planning and Zoning Commission & Architectural Board of Review Meeting of April 16, 2009
- Rules & Legislation Committee Meeting of April 20, 2009
- Utilities Committee Meeting of April 6, 2009
- Lakeland Community College: ***Ohio Ethics Law: Can I Do That?***

Minutes

- **Finance Committee Meeting of April 23, 2009**
- **Personnel Relations Committee Meeting of April 6, 2009**
- **Personnel Relations Committee Meeting of April 20, 2009**
- Planning and Zoning Commission & Architectural Board of Review Meeting of March 5, 2009
- **Rules and Legislation Committee Meeting of April 20, 2009**
- **Utilities Committee Meeting of April 15, 2009**

MAYOR'S REPORT – Robert M. Weger

Mayor's Report consisted of the following topics:

Services

- WHISPER Program – Clean Up Day for Seniors scheduled for Saturday, April 25th
- Ballot Issue 1 – Public Forums to be held Monday, April 27th and Tuesday, April 28th
- Summer Sprinkling Program Applications deadline April 30th – information available on City Website
- Bishop Road – Base Repair

Acknowledgements

- Sharon Cotman – Temporary Replacement in the Building Department
- Diana McCann is on Maternity Leave
- WHISPER Volunteers: Madeleine Smith, Elaine Avery and Joe Vencel
- South High School Decathlon Team
- Proclaimed April as Occupational Therapy Month and Child Abuse Prevention Month
- Proclaimed May 3rd through May 9th as Building Safety Week in the City with a Workshop to be held at the WH Community Center from 10:00 a.m. to Noon on Saturday, May 9th.
- Proclaimed May as Poppy Sale Month for the VFW

Events

- Lake County Solid Waste – Scrap Tires - accepting up to 6 tires without rims Scrap Tires – April 25th and Computer Collection is scheduled for May 9th
- Special Election – Tuesday, May 5th – District I and District III will be voting at the Willoughby Hills Community Center
- Willoughby Hills Day at Lake County Captains Stadium scheduled for Flag Day, Sunday, June 14th
- Willoughby Hills Cornfest to be held on September 12th and 13th

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

- Sale of Martin Road Property
- Public Records Request – additional records pertaining to the Cuyahoga County Airport were received

FINANCE DIRECTOR'S REPORT – Joseph G. Mirtel

- No formal report was given.

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

- Assessment Methodology
- Master Plan – Negotiations with Fazio Restaurant
- Update of Capital Improvement Projects
- Utilities Committee Meeting to be scheduled (for Saturday, May 2nd).

COMMITTEE REPORTS

FINANCE – Raymond C. Somich, Chair

Committee Members: Nancy E. Fellows, David A. Reichelt

COMMITTEE MEETING OF APRIL 23, 2009

Members Present: Chairman Raymond C. Somich, Councilwoman Nancy E. Fellows, Councilman David A. Reichelt

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, President of Council Kevin D. Malecek, Mayor Robert M. Weger, Finance Director Joseph G. Mirtel

Purpose of the Meeting was to review Pending Legislation and any other business.

Meeting convened at 6:30 p.m.

Order of Business

General Discussion/Report regarding:

- (1) Bill Paying
- (2) Cash Flow
- (3) Closing and Consolidation of Bank Accounts for efficiency and saving fees
- (4) Notes finalized with US Bank for 2.5% Rate
- (5) 2008 GAP Reporting Meeting held with State Auditors – No anticipated concerns
- (6) Awaiting State Auditor scheduling for 2006/2007 Audits
- (7) At the request of Council and the Mayor, Frank and Joe will further review Accounts 251/291 as time allows
- (8) Budgeting seems OK for now
- (9) Wage Adjustments already provided for in budgeting (Ordinances)

Public Portion

Public Portion opened at 6:40 p.m.

Bob Kowalsky spoke with respect to Garfield School Funds and 251/291 Accounts. Councilman David A. Reichelt and Chairman Somich responded to Mr. Kowalsky's comments.

Meeting adjourned at 6:45 p.m.

PLANNING & ZONING – David A. Reichelt, Chair

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

- The Planning & Zoning Committee has not met; therefore no formal report was given.
- Chair Reichelt urged Council to pass Ordinances pertaining to the amendments to the Planning & Zoning Code.

RECREATION – David M. Fiebig, Chair

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

- The Recreation Committee has not met; therefore no formal report was given.
- Chair Fiebig announced that a Recreation Committee Meeting will be called.

RULES & LEGISLATION – Kevin D. Malecek, Chair

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

COMMITTEE MEETING OF APRIL 20, 2009

Members Present: President Kevin D. Malecek, Councilman Frank A. Germano, Councilman David A. Reichelt

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilwoman Nancy E. Fellows, Mayor Robert M. Weger

Purpose of the Meeting was to review Pending Legislation and any other business.

Meeting convened at 7:06 p.m.

Order of Business

Ordinance 2009-30: City Vehicles Surplus

Six police cars – five 2004, one 2006, high mileage – three replacement vehicles – taken out of service – new cars – two other cars – trim forces, save insurance. Six in an auction on the Internet along with 2002 Ford Explorer.

Consensus of Committee to waive Three Reading Rule and Adopt at Council.

Ordinance 2009-50: Purchasing Telephone Equipment

Existing phone system is ten years old, caused fair amount of problems with failures – out of production – important critical part of City’s infrastructure – company recommended as City’s consultant on the Dispatch Project – budgetary concern – purchase was recommended – proposal from AT&T – just under \$42,000 – purchased under State Bid Program – does not need to go out to public bid – exact unit from other installations in this area – perfect time to do it within Dispatch and IT project. On dispatcher’s desk, several phones – will work through singular phone system – in process of rewiring all of City Hall – four generations of wire in the ceilings – replaces with CAT6 wiring for data and voice.

Consensus of Committee to waive Three Reading Rule and Adopt at Council. Councilman Reichelt abstains on the vote to recommend out of committee.

Discussion about concern in regards to Recreation Ordinance – trying to resolve the concerns with using the rooms and preference – clarify the position that the City has – Historical Society and Lions Club – situation where has meetings there – another organization there. Recreation Committee issue should be discussed there.

Public Portion

Meeting adjourned at 7:21 p.m.

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.

Chairman Reichelt reported that the Dispatch/IT Project is moving along well.

SERVICE – Nancy E. Fellows, Chair

Committee Members:

Christopher L. Biro, Frank A. Germano

UTILITIES – Frank A. Germano, Chair

Committee Members:

Nancy E. Fellows, Raymond C. Somich

COMMITTEE MEETING OF APRIL 14, 2009

Members Present: Councilman Frank A. Germano, Chair, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich

Also Present: Councilman David M. Fiebig, Councilman David A. Reichelt, Mayor Robert M. Weger, City Engineer Richard Iafelice, Finance Director Joseph G. Mirtel

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

Meeting convened at 7:38 p.m.

Order of Business

Discussed St. Noel’s proposed Sewer Benefit Unit

Swagelock Property – 19.5 Benefit Units

Zigman Property – 4 Benefit Units

Why are there .75 Benefit Units and not 1 Benefit Units

Landlock Properties – What is their assessment – Properties around Airport – What about Equalization

Public Portion

Public Portion opened at 9:13 p.m.

Linda Fulton – Oakview in the Assessment?

Meeting adjourned at 9:14 p.m.

PERSONNEL RELATIONS – Christopher L. Biro, Chair

Committee Members:

Raymond C. Somich, Mayor Robert M. Weger

COMMITTEE MEETING OF APRIL 6, 2009

Members Present: Councilman Christopher L. Biro, Chair, Mayor Robert M. Weger

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

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

Meeting convened at 8:53 p.m.

Public Portion

Public Portion was held prior to adjourning into Executive Session. Frank Cihula discussed the compensation for BZA Clerk.

Order of Business

Discussion pertaining to Employee Compensation and Labor Contracts. Committee adjourned into Executive Session at 8:55 p.m. and reconvened at 9:24 p.m.

Meeting was adjourned at 9:25 p.m.

COMMITTEE MEETING OF APRIL 20, 2009

Members Present: Councilman Christopher L. Biro, Chair, Mayor Robert M. Weger

Also Present: Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman David A. Reichelt, Finance Director Joseph G. Mirtel

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

Meeting convened at 7:26 p.m.

Public Portion

Public Portion was held prior to adjourning into Executive Session. Joyce Grady, Linda Fulton and Bob Kowalsky came forth with comments.

Order of Business

Discussion pertaining to Employee Compensation and Labor Contracts. Committee adjourned into Executive Session at 7:38 p.m. and reconvened at 8:45 p.m.

Meeting was adjourned at 8:46 p.m.

WORKING COMMITTEE OF COUNCIL – David A. Reichelt, President Pro-tem

- **The Working Committee of Council has not met; therefore no formal report was given.**
- **President Malecek announced that Council will not be meeting on May 14, 2009; rather a Special Meeting of Council will be called for Monday, May 11, 2009. The change is due to the fact that the Administration and many Members of Council will be meeting in Washington, D.C. with representatives from the FAA.**

OTHER COUNCIL REPRESENTATIVE REPORTS

There were no “**Other Council Representative Reports**” brought forth by the Members of Council.

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 7:39 p.m.

1. Linda Fulton
3020 Marcum Boulevard
Re: Ordinance pertaining to Pole Signs

2. Robert Kowalsky
2585 Timberline Drive
Re: Ordinance No. 2009-50 pertaining to Telephone Equipment/Upgrade; Legislation pertaining to Public Records Policy

Public Portion was closed at 7:44 p.m.

UNFINISHED BUSINESS

- Law Director Lobe responded to Linda Fulton's question pertaining to the issue of Pole Signs.
- Law Director Lobe responded to Mr. Kowalsky's question pertaining to Public Records Request Policy.
- Councilman Reichelt responded to Mr. Kowalsky's concerns with respect to his involvement with the City Dispatch/IT Project. The Ohio Ethics Commission provided a brief written response stating that the Council Member (i.e. Councilman Reichelt) is not prohibited from donating consulting services to the City provided that he receives no financial gain from the donation and he does not use the donation to secure anything of value for himself, family members or business associates.
- President Malecek passed the gavel to Vice President Reichelt to speak with respect to Councilman's Reichelt's unselfish involvement with the IT/Dispatch Center Project. President Malecek stated that the City is very fortunate and blessed to have the services of such a highly respected consultant. The gavel had been returned to President Malecek upon the completion of his commentary.
- Law Director Lobe provided additional information with respect to Councilman Reichelt's involvement with the IT/Dispatch Center.

LEGISLATION

ORDINANCE NO. 2009-11 – THIRD READING

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES & PUBLIC SERVICES, TITLE FIVE – OTHER PUBLIC SERVICES, CHAPTER 941 – USE OF PUBLIC PROPERTY OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to adopt Ordinance No. 2009-11.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-11 has been adopted.

ORDINANCE NO. 2009-12 – THIRD READING

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – CODE ADMINISTRATION, CHAPTER 1111 – DEVELOPMENT PLAN REVIEW PROCEDURES, SECTION 1111.05 – MINOR ALTERATIONS REVIEWED BY ZONING ADMINISTRATOR OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Ordinance No. 2009-12.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-12 has been adopted.

ORDINANCE NO. 2009-13 – THIRD READING

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – CODE ADMINISTRATION, CHAPTER 1117 – APPEALS AND VARIANCES, SECTION 1117.09 – VARIANCES, SUB-SECTION (a) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to adopt Ordinance No. 2009-13.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-13 has been adopted.

ORDINANCE NO. 2009-14 – THIRD READING

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE THREE – CODE ADMINISTRATION, CHAPTER 1121 – NONCONFORMING USES, LOTS, AND STRUCTURES, SECTIONS 1121.01 – PURPOSE, 1121.03 – NONCONFORMING USES OF BUILDINGS, STRUCTURES OR LAND, AND 1121.04 – NONCONFORMING BUILDINGS AND STRUCTURES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to adopt Ordinance No. 2009-14.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-14 has been adopted.

ORDINANCE NO. 2009-15 – THIRD READING

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1133 – SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS, SECTION 1133.10 – ACCESSORY USE REGULATIONS FOR SINGLE – FAMILY DETACHED DWELLINGS, SUB-SECTION (g) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to adopt Ordinance No. 2009-15.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-15 has been adopted.

ORDINANCE NO. 2009-16 – THIRD READING

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE NINE – SIGNS, CHAPTER 1151 – SIGN REGULATIONS, SECTION 1151.06 – PROHIBITED SIGNS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Ordinance No. 2009-16.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-16 has been adopted.

ORDINANCE NO. 2009-17 – THIRD READING

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE ELEVEN – SUPPLEMENTAL DEVELOPMENT STANDARDS, CHAPTER 1157 – GENERAL USE REGULATION, SECTION 1157.07 – ADDITIONAL REGULATIONS REGARDING MOTOR VEHICLES IN RESIDENTIAL ZONING DISTRICTS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Reichelt to adopt Ordinance No. 2009-17.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-17 has been adopted.

ORDINANCE NO. 2009-29 – SECOND READING

AN ORDINANCE AMENDING PART THIRTEEN - BUILDING CODE, TITLE THREE - LOCAL BUILDING PROVISIONS, BY THE ADDITION OF CHAPTER 1377 – ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS.

President Malecek declared that Ordinance No. 2009-29 will remain on Second Reading.

ORDINANCE NO. 2009-30

AN ORDINANCE TO DECLARE CITY VEHICLES AND/OR EQUIPMENT WITH AN ESTIMATED VALUE OF OVER \$1,000 AS SURPLUS PROPERTY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-30.

Roll Call: 7AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-30 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Ordinance No. 2009-30.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-30 has been adopted.

President Malecek stated that at this time he would entertain a motion from Council to suspend the Three Reading Rule all of the Compensation Ordinances.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-31 through Ordinance No. 2009-49, inclusive.

Law Director wanted to make it clear for the record that each and every Council Member had no objections to said Ordinances.

Roll Call: 7AYES

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-31 through Ordinance 2009-49 has been suspended.

ORDINANCE NO. 2009-31

AN ORDINANCE DEFINING THE DUTIES AND RESPONSIBILITIES OF THE POSITION OF LAW DIRECTOR AND FIXING THE SALARY AND COMPENSATION FOR SAID POSITION; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Biro to adopt Ordinance No. 2009-31.

Councilman Fiebig stated that he will be abstaining due to the fact that Mr. Lobe has a small satellite office through Councilman Fiebig's management business. Law Director Lobe, for the record, further explained the nature of the businesses relationship.

Roll Call: 6 AYES – w/Councilman Fiebig abstaining

MOTION PASSES

President Malecek declared that Ordinance No. 2009-31 has been adopted.

ORDINANCE NO. 2009-32

AN ORDINANCE FIXING THE SALARY AND COMPENSATION FOR THE POSITION OF CITY POLICE PROSECUTOR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to adopt Ordinance No. 2009-32.

Roll Call: 6 AYES – w/Councilman Germano abstaining
President Malecek declared that Ordinance No. 2009-32 has been adopted.

MOTION PASSES

ORDINANCE NO. 2009-33

AN ORDINANCE ESTABLISHING AN ANNUAL SALARY FOR THE MAGISTRATE OF THE CITY OF WILLOUGHBY HILLS MAYOR'S COURT; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fellows to adopt Ordinance No. 2009-33.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-33 has been adopted.

ORDINANCE NO. 2009-34

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITIONS OF CLERK OF COURT AND DEPUTY CLERK OF COURT; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to adopt Ordinance No. 2009-34.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-34 has been adopted.

ORDINANCE NO. 2009-35

AN ORDINANCE AMENDING ORDINANCE NO. 2008-2 ESTABLISHING THE SALARY AND COMPENSATION FOR THE FULL-TIME FINANCE DIRECTOR, JOSEPH MIRTEL; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Somich to adopt Ordinance No. 2009-35.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-35 has been adopted.

ORDINANCE NO. 2009-36

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF FULL TIME ASSISTANT FINANCE DIRECTOR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to adopt Ordinance No. 2009-36.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-36 has been adopted.

ORDINANCE NO. 2009-37

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF POLICE CHIEF; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Fellows to adopt Ordinance No. 2009-37.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-37 has been adopted.

ORDINANCE NO. 2009-38

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF POLICE DEPARTMENT SECRETARY; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Ordinance No. 2009-38.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-38 has been adopted.

ORDINANCE NO. 2009-39

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF THE PART TIME MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to adopt Ordinance No. 2009-39.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-39 has been adopted.

ORDINANCE NO. 2009-40

AN ORDINANCE PROVIDING FOR THE SALARY AND COMPENSATION OF THE POSITION OF PART-TIME DISPATCHER SERVING AS A PART-TIME MEMBER OF THE POLICE DEPARTMENT OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to adopt Ordinance No. 2009-40.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-40 has been adopted.

ORDINANCE NO. 2009-41

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF FIRE CHIEF; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Reichelt to adopt Ordinance No. 2009-41.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-41 has been adopted.

ORDINANCE NO. 2009-42

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF FIRE DEPARTMENT SECRETARY; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to adopt Ordinance No. 2009-42.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-42 has been adopted.

ORDINANCE NO. 2009-43

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF THE PART TIME MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Ordinance No. 2009-43.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-43 has been adopted.

ORDINANCE NO. 2009-44

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF FULL TIME RECREATION COORDINATOR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Ordinance No. 2009-44.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-44 has been adopted.

ORDINANCE NO. 2009-45

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF ROAD SUPERINTENDENT; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to adopt Ordinance No. 2009-45.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-45 has been adopted.

ORDINANCE NO. 2009-46

AN ORDINANCE AMENDING ORDINANCE NO. 2008-26 BY FIXING THE COMPENSATION FOR THE POSITION OF FIELD MAINTENANCE CLASS 1; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Ordinance No. 2009-46.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-46 has been adopted.

ORDINANCE NO. 2009-47

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF CLERK/STENOGRAPHER; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Ordinance No. 2009-47.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-47 has been adopted.

ORDINANCE NO. 2009-48

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF MAYOR'S ADMINISTRATIVE ASSISTANT; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to adopt Ordinance No. 2009-48.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-48 has been adopted.

ORDINANCE NO. 2009-49

**AN ORDINANCE FIXING THE SALARY AND COMPENSATION FOR THE CLERK OF COUNCIL;
REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2009-49.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that Ordinance No. 2009-49 has been adopted.

ORDINANCE NO. 2009-50

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF TELEPHONE EQUIPMENT FOR THE CITY HALL COMPLEX PROVIDED THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OHIO COOPERATIVE PURCHASING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$42,000.00 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2009-50.

Roll Call: 6AYES w/Councilman Reichelt abstaining

MOTION PASSES

Councilman Reichelt stated that his company did write the review and the purchase recommendation for this equipment, therefore he will be abstaining. Councilman Somich pointed out the savings of the negotiated price for this equipment.

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-50 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Somich to adopt Ordinance No. 2009-50.

Roll Call: 6 AYES w/Councilman Reichelt abstaining

MOTION PASSES

President Malecek declared that Ordinance No. 2009-50 has been adopted.

NEW BUSINESS

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Somich to increase the hourly rate for the position of Clerk of Council to \$21.50, retro the beginning of the year.

Roll Call: 7 AYES

MOTION PASSES

President Malecek declared that the hourly rate for the position of Clerk of Council has been set at \$21.50, retro to the beginning of the year.

FOR THE GOOD OF THE ORDER

- Mayor Weger thanked Councilman Reichelt for all his hard work on the Dispatch/IT Center. The project is going flawlessly due to the many hours that Councilman Reichelt has put in on this project.
- Mayor Weger mentioned details on the City's Memorial Day Ceremony will be forth coming.
- Councilman Somich announced that two Public "Town Hall" Meetings have been scheduled for 7:00 p.m. on Monday, April 27th and on Tuesday, April 28th. These two meetings will be held at the WH Community Center. The purpose of the Public Meetings is to discuss the upcoming ballot question that will be on the May 5th Special Election.
- Councilman Somich announced the Ad-Hoc Committee of Council Against Any and All Expansion of the Cuyahoga County Airport will meet on Monday, May 4th at 7:30 p.m.
- Councilman Somich announced that a Special Election will be held on Tuesday, May 5th for Issue 1.
- Councilman Somich mentioned the Builders Workshop to be held at the WH Community Center from 10:00 a.m. to Noon on Saturday, May 9th.
- Councilman Somich thanked the Council Clerk for preparing and presenting 29 pieces of legislation.
- President Malecek announced that the Cleveland City Music will perform on Friday, May 8th at St. Noel Church.

