

City of Willoughby Hills

Special Council Meeting Minutes of August 21, 2008

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.

6:00 p.m. Meeting called to order by President of Council Kevin D. Malecek

Pledge of Allegiance

Roll Call of Council

Members Present: Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, President of Council Kevin D. Malecek, Vice President David A. Reichelt, Councilman Raymond C. Somich, Councilman Christopher L. Biro

Also Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Joseph G. Mirtel, Clerk of Council Victoria Ann Savage

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to amend the Agenda to permit the Mayor to present a Proclamation.

Roll Call: 7 AYES

MOTION PASSES

President Malecek stated that the Agenda has been amended to include the presentation of a proclamation.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to allow the consideration of a Motion of Council to permit the Mayor to advertise for bids for the Dispatch Project.

President Malecek stated that the Agenda has been amended to include and/or allow a Motion of Council to permit the Mayor to advertise for bids for the Information Technology and Dispatch Project.

PROCLAMATION

Mayor Weger proclaimed August 21, 2008 as the Fire Fighters of Willoughby Hills Appreciation Day and commended the Fire Fights of Willoughby Hills for their efforts on behalf of the City of Willoughby Hills and the Muscular Dystrophy Association.

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.**

President Malecek opened public portion at 6:07 p.m.

1. Robert Kowalsky
2585 Timberline Drive

Re: Ordinance No. 2008-60 – dealing with ten (10) proposed amendments to the City’s Charter. Questioned Council if this was the way they wanted the City’s Charter to change the structure, the authority, the responsibility of the Mayor; melt the two, Executive and Legislative together?

2. Andy Gardner
38123 Dodd’s Hill Drive
Re: Thanked the Mayor and Council for the opportunity to serve on the Charter Review Commission; acknowledged the efforts and hard work put forth by the members of the Charter Review Commission.

President Malecek passed the gavel to Vice President Reichelt to provide commentary with respect to Ordinance No. 2008-60. The gavel was given back to President Malecek.

Law Director Lobe commended the work of the Charter Review Commission.

With no further commentary coming forth from the public, President Malecek closed Public Portion at 6:12 p.m.

LEGISLATION

ORDINANCE NO. 2008-58

AN ORDINANCE REPEALING RESOLUTION NO. 1971-17 AND TO AUTHORIZE AND DIRECT THE MAYOR TO ENTER INTO AN AGREEMENT FOR PARTICIPATING IN A REGIONAL COUNCIL OF GOVERNMENTS.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2008-58.

Roll Call: 7 AYES – Unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2008-58 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Ordinance No. 2008-58.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2008-58 has been adopted.

ORDINANCE NO. 2008-59

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT AND RELEASE THEREBY DISMISSING AND RELEASING ALL PARTIES OF ANY AND ALL CLAIMS SET FORTH IN THE COMPLAINT STYLED ELIZABETH MILES V. CITY OF WILLOUGHBY HILLS, ET AL IN THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, BEING CASE NO. 1:08CV831 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2008-59.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2008-59 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2008-59.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2008-59 has been adopted.

ORDINANCE NO. 2008-60

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS TEN (10) PROPOSED AMENDMENTS TO THE CHARTER AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Biro to amend Ordinance No. 2008-60 by making a change to proposed Charter Amendment No. 5 placing existing language with “as determined by Ordinance”.

SECTION 3.1 COMPOSITION.

3.12 Voting Districts. The City shall consist of three (3) Voting Districts titled District One (1), District Two (2) and District Three (3), ~~whose boundaries have not changed and are described in the existing map of the City of Willoughby Hills~~ **as determined by Ordinance.”**

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the change to proposed Charter Amendment No. 5 has been adopted.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Biro to further amend Ordinance No. 2008-60 by making the following change: “shall become effective from and after January 1, 2009”.

SECTION 21. That if such amendments are approved by a majority of the electors voting thereon at such election, ~~it shall become effective from and after the time of its approval by the electors~~ **shall become effective from and after January 1, 2009.**

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2008-60 has been amended to reflect said change.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Fiebig to suspend the Two Day Notification Rule for Ordinance No. 2008-60 due to the amendments that were just made.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Two Day Notification Rule for Ordinance No. 2008-60 – As Amended has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2008-60 – As Amended.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2008-60 – As Amended has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2008-60 – As Amended.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2008-60 – As Amended has been adopted.

ORDINANCE NO. 2008-61

AN ORDINANCE AMENDING ORDINANCE NO. 2008-17 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2008-61.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that the Three Reading Rule for Ordinance No. 2008-61 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to adopt Ordinance No. 2008-61.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that Ordinance No. 2008-61 has been adopted.

MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to authorize the Mayor to advertise for bids for the Information Technology and Dispatch Project.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Malecek stated that the Mayor is hereby authorized and directed to advertise for bids for the Information Technology and Dispatch Project.

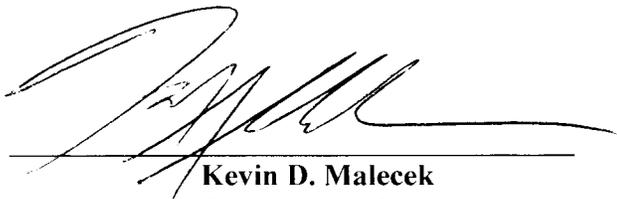
MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Biro to adjourn.

Roll Call: 7AYES – unanimous

MOTION PASSES

Meeting adjourned at 6:27 p.m.

APPROVED: September 15, 2008
Date


Kevin D. Malecek
President of Council

ATTEST: Victoria Ann Savage
Victoria Ann Savage
Clerk of Council