

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of July 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.** Meeting of Council Called to Order by President of Council.

#### *Pledge of Allegiance*

#### **Roll Call of Council**

**Members Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, President Kevin D. Malecek, Vice President David A. Reichelt, Councilman Raymond C. Somich (arrived at 7:10 p.m.)

**Absent:** 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

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Germano to excuse Councilwoman Nancy E. Fellows from the Regular Council Meeting of July 23, 2009.

**Roll Call: 5 AYES – unanimous**

**MOTION PASSES**

President Malecek stated that Councilwoman Nancy E. Fellows has been excused from the Regular Council Meeting of July 23, 2009.

#### **Disposition of the Journal**      **Regular Council Meeting of June 11, 2009**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Germano to approve the the Regular Council Meeting Minutes of June 11, 2009 as submitted.

**Roll Call: 5 AYES - unanimous**

**MOTION PASSES**

President Malecek declared that the Regular Council Meeting Minutes of June 11, 2009 have been approved as submitted.

#### ***Public Hearing***

#### **ORDINANCE NO. 2009-59**

**AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR JANUARY 1, 2010 TO DECEMBER 31, 2010 FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.**

President Malecek opened the Public Hearing at 7:05 p.m. and with no one coming forth from the public sector, the Public Hearing was promptly closed at 7:05 p.m.

### ***Correspondence***

- Christopher L. Biro, Chair of the Ad-hoc Committee Against Any and All Expansion of the Cuyahoga County Airport to Benito De Leon, Director, Office of Airport Planning and Programming/U.S. Department of Transportation/Federal Aviation Administration, dated July 13, 2009 re: Cuyahoga County Airport/Cuyahoga County, Ohio
- Kevin M. Delaney, Secretary/Airport Manager to Clerk of Council, dated July 9, 2009 re: Noise Abatement Council Meeting Scheduled for August 26, 2009 at 10:00 a.m.
- Honorable Sherrod Brown/United States Senator to Clerk of Council, dated June 24, 2009 re: Cuyahoga County Airport
- **MARY TAYLOR, CPA/AUDITOR OF STATE TO CITY OF WILLOUGHBY HILLS, LAKE COUNTY, OHIO/GENERAL PURPOSE EXTERNAL FINANCIAL STATEMENTS FOR THE YEAR ENDED DECEMBER 31, 2008**

### ***Notifications***

- Planning and Zoning Commission & Architectural Board of Review Meeting of July 16, 2009
- Service Committee Meeting of July 20, 2009
- Rules and Legislation Committee Meeting of July 20, 2009
- Utilities Committee Meeting of July 20, 2009

### ***Minutes***

- Planning and Zoning Commission & Architectural Board of Review Meeting of June 18, 2009
- **Rules and Legislation Committee Meeting of July 20, 2009**
- **Utilities Committee Meeting of July 20, 2009**
- **Working Committee of Council Meeting of May 15, 2009**

### ***On File***

- John Lillich, Member of the Planning Commission to Charlotte Schryer, Chair of the Planning Commission, dated June 29, 2009 re: Oil and Gas Drilling Forum
- Clerk of Council to Robert M. Weger, Mayor/Safety Director, dated July 20, 2009 re: Ohio Department of Commerce/Division of Liquor Control re: Expiration of Liquor Permits
- Cities and Villages for May/June 2009

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

#### **Mayor's Report consisted of the following topics:**

- Campbell Park playground equipment painted and repaired in response to call from concerned resident
- Telephone System installation at City Hall

#### **Acknowledgements**

- Resident John Fell retired from Euclid City Schools as Assistant Superintendent
- Willoughby-Eastlake Library celebrating 100<sup>th</sup> anniversary
- Corporate Fall Corn Fest Sponsors:
  - Mario Fazio's
  - Willoughby Hills Auto
  - CT Consultants
  - Cleveland Clinic – WH Family Center
  - Fred Vincent Volkswagen
  - Seme & Sons Auto
- Get Well Soon – Fred Wyss and Lee Mercadante
- Jack & Patty Johnson – 50<sup>th</sup> Wedding Anniversary
- Thanks to City Council – well deserved recess
- Thanked WH Community Days Committee for donating money for Corn Fest Banners

#### **Events**

- Touch-A-Truck – August 8<sup>th</sup>
- Annual Flea Market – Saturday, August 22<sup>nd</sup> from 9:00 a.m. to 3:00 p.m. at Campbell Park
- Corn Fest to be held on September 12<sup>th</sup> and 13<sup>th</sup>

- Annual Craft Fair – Saturday, October 10, 2009 from 10:00 a.m. to 4:00 p.m. at the Community Center  
**President Malecek requested that the record should show that Councilman Raymond C. Somich arrived at 7:10 p.m.**

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

- Ordinance No. 2009-64
- Resolution No. 2009-15 and Resolution No. 2009-16 do not contain emergency measures.

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

- Recommended the passage of Ordinance No. 2009-59

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

- Ordinance No. 2009-64 – Quit Claim Deed to be filed by Classic
- To proceed with Assessment Area “C” – Recommends passage of the following legislation:  
Ordinance No. 2009-60  
Ordinance No. 2009-61  
Resolution No. 2009-14  
Resolution No. 2009-15  
Resolution No. 2009-16
- Requested Motion of Council for authorization to advertise for bids for the Corporate 90 & Stark Drive Pump Station Improvements
- Lamplight Lane Project

#### **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 has not met; therefore no formal report was given.

##### **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.

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

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

#### **COMMITTEE MEETING OF JULY 20, 2009**

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

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

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

The meeting convened at 7:54 p.m.

#### ***Order of Business***

**Ordinance 2009-59:** Tax Budget for the Fiscal Year 2010

*Consensus to waive Three Reading Rule and Adopt at the Regular Council Meeting of July 23, 2009*

**Ordinance 2009-60:** Willow Lane Sewer Ordinance

Add Whereas clause as new third paragraph:

*"WHEREAS, the City of Willoughby Hills has been mandated by the Environmental Protection Agency in other*

Assessment Areas to provide sanitary sewer service for property owners and residents therein and expressly wishes to avoid such costly and unfunded mandates to the City and its residents in Assessment Area "C" by further delaying the project; and"

**Consensus to waive Three Reading Rule and Adopt as amended at the Regular Council Meeting of July 23, 2009**

**Ordinance 2009-61: Assessment Area "C" Sewer Ordinance**

Add Whereas clause as new third paragraph:

"WHEREAS, the City of Willoughby Hills has been mandated by the Environmental Protection Agency in other Assessment Areas to provide sanitary sewer service for property owners and residents therein and expressly wishes to avoid such costly and unfunded mandates to the City and its residents in Assessment Area "C" by further delaying the project; and"

**Consensus to waive Three Reading Rule and Adopt as amended at the Regular Council Meeting of July 23, 2009**

**Ordinance 2009-62: Sewer Truck**

Picking the option to lease it through Jack Doheny Supplies – good rate, the City's after the five year lease – checked other financing options – not readily available on a used vehicle – opted to go with this one. It is ours at the end of the lease. Whole back end of truck is brand new.

**Consensus to waive Three Reading Rule and Adopt at the Regular Council Meeting on July 23, 2009**

**Ordinance 2009-63: Road Levy Ballot Language/Putting on the Ballot**

**Consensus to waive Three Reading Rule and Adopt at Regular Council Meeting of July 23, 2009**

**Resolution 2009-14: Construction Loan Application**

**Consensus to waive Three Reading Rule and Adopt at Regular Council Meeting of July 23, 2009**

**Resolution 2009-15: Assessment Equalization Board Report #1**

Wanted to make sure that reverse lot splits would be permissible in the future – in all of these – City to absorb the cost of the reduction of benefit units was the recommendation.

**Consensus to waive Three Reading Rule and adopt at Regular Council Meeting of July 23, 2009**

**Resolution 2009-16: Assessment Equalization Board Report #2**

**Consensus to waive Three Reading Rule and Adopt at Regular Council Meeting of July 23, 2009**

**Property Maintenance Code**

Reichelt – fine with adopting the International Code in its entirety, Biro agrees – officials are not going to go after people – going to address complaints. Fiebig – don't think we should go so far as to go into the interior stuff – opening up another set of issues – Code is complete – have concerns about going too far for inside – exteriors conforming. Somich – adopt exterior – let's get something done. Weger – we are not going inside. Reichelt – how do you extract the interior part out? Germano – whole situation is taking care of lawns in the City limits – one thing and see how it goes – just one ordinance on lawn care. Somich – complaints I've gotten only half are lawns.

Councilman Fiebig will go through and pick out parts of the Exterior Code that would be applicable – do it right – Somich – get it done this year. Projection of after recess that research will get done.

**Public Portion**

Robert Kowalsky – did anybody see the Marketplace section in the Sunday Plain Dealer – if you highlight all the ones the banks bought – at least three quarters – people are bleeding out there – little twenty page flyer for the international code – didn't realize grass was a weed – then I'm watching TV – how to sell your home – lady had mulch instead of grass. Could cover their front yard – kill all the animals and the plants – grass is a weed – you know, when I read in the paper about grass, cuts, heights, very timely – I get to the second part – the back part – Willoughby Hills isn't exactly like that, it's not exactly like that – looking at it like what the heck – why is the story even in here. Isn't just that about grass – control, power, and money. The people right now – bleeding – how many more foreclosures – 1% or nothing on money – why don't you just hit us up with more, first noise, and now it's the height. Mayor Weger – 50% to 70% of the problem are banks – and they don't maintain the property. 9-12 months to find the right subsidiary – vacant, bank owned homes are the problem.

**Meeting adjourned at 8:22 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.

**SERVICE – Nancy E. Fellows, Chair**

**Committee Members:**

**Christopher L. Biro, Frank A. Germano**

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

- President Malecek reported that a Service Committee Meeting was held on June 20<sup>th</sup>; the bids for the Heavy Trash and for the Trash/Recycling Program are not in as yet and will not be in until next Monday; therefore the Service will be meeting to discuss bid results with respect to these two programs.

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

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

<b>COMMITTEE MEETING OF JULY 20, 2009</b>	
<b><u>Members Present:</u></b> Councilman Frank A. Germano, Chair, Councilman Raymond C. Somich <b><u>Also Present:</u></b> Councilman Christopher L. Biro, Councilman David M. Fiebig, President Kevin D. Malecek, Vice President David A. Reichelt, Mayor Robert M. Weger, Law Director Thomas G. Lobe, City Engineer Richard Iafelice	
<b><u>Purpose of the Meeting</u></b> was to discuss (1) <u>Green Ridge Sanitary Sewer System</u> , (2) <u>New EPA Low Interest Loan Program for Sewer Connections</u> (3) <u>Stark Drive</u> and any other business.	
<b>The meeting convened at 6:05 p.m.</b>	
<i>Order of Business</i>	
<b>Public Portion</b> was opened at 6:05 p.m. with the following individuals coming forth to state their comments and/or questions: <u>Bob Kowalsky</u> – questioned how much the city paid the Engineer to switch from Cuyahoga County to Euclid <b>Public Portion</b> was closed at 6:07 p.m.	
<b><u>Financing</u></b> – recapping over the low interest loan program for sewer construction. Can banking institution run program; no way to secure the loan as per County Mayor – not for Program – too risky Law Director – not for Program – City not set up for Administration Councilman Somich – not for Program <b><u>Assessment Area “C” – Resolution No. 2009-15 and Resolution No. 2009-16</u></b> <b><u>Bishop Road Detour Plan</u></b> – must be coordinated with County for bridge repair also discussed landscaping in right of way <b><u>Stark Drive Pump Station Improvements</u></b> – paid for by TIF money; reviewed landscape plans <b><u>Green Ridge Area</u></b> – mentioned repairs must be done, required by EPA – Preliminary findings – manholes are leaking; smoke testing produced negative results; preliminary pamphlet for Unauthorized Sewer Connections Awareness Program was given to Committee. Robert Kowalsky asked about the pamphlet/send to all	
<b>Meeting adjourned at 7:30 p.m.</b>	

**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.
- President Malecek announced that a tentative meeting date of Thursday, August 13<sup>th</sup> if a Special Meeting of Council is required to address any immediate issues and/or required legislation
- The Minutes from the May 15<sup>th</sup> Meeting held in Washington, D.C. have been distributed and have been provided:

<b>COMMITTEE MEETING OF MAY 15, 2009</b>
<b><u>Members Present:</u></b> President Kevin D. Malecek, Chair, Councilman Christopher L. Biro, Councilman David M. Fiebig, Vice President David A. Reichelt, Councilman Raymond C. Somich <b><u>Also Present:</u></b> Mayor Robert M. Weger, Law Director Thomas G. Lobe, Highland Heights Mayor Scott Coleman, Mayfield Village Mayor Bruce Rinker, Richmond Heights Economic Development Director Lee Gase, Richmond Heights Former Mayor David Boyle, Benito DeLeon, Federal Aviation Administration, Russ Kline Federal Aviation Administration
<b><u>Purpose of the Meeting</u></b> was to discuss <u>Meeting with FAA Officials regarding the proposed Expansion of the</u>



**Cuyahoga County Airport and any other business.**

**The meeting convened at 2:30 p.m.**

***Order of Business***

Introduction of Benito DeLeon and Russ Kline from the FAA and of other members present at the meeting – governmental officials from Willoughby Hills, Highland Heights, Richmond Heights and Mayfield Village. When we last met with FAA officials in Washington, the submission of the Proposed Master Plan for the Cuyahoga County Airport had not been approved by the airport owner, the Cuyahoga County Board of Commissioners. At that time, we were informed that until such submittal occurred, discussions with the FAA would be somewhat limited. As the proposed plan was officially submitted to the FAA in February, we are now in a new phase of conversation with the FAA officials.

DeLeon - There is a concern with the safety of the existing runway itself – as there are certain criteria for landing and taking off. To improve airports, there is Airport Improvement Program Money – looking at improving the existing runway structure. Cuyahoga County’s proposes to expand not only for “safety”, but also to “extend the runway.” FAA asks if safety is enough for the current runway – the Washington officials have not reviewed the Master Plan, but the Detroit FAA office is currently reviewing it. Detroit reviews the Airport Layout Plan and then we would review it. We try to protect the surfaces, for now and into the future.

Coleman - When reviewing the Master Plan, are they prepared to show why it is necessary?

DeLeon – We like to see communication and consensus between the airport owner and the community - as to the best way to develop a plan and show pros and cons of preferred alternative. They look at a number of things, infrastructure, what may grow, airport facilities, etc.

Gase – Four or five years ago C&S said the primary purpose of their studies was to look at safety and adding safeways to the runway plan – there were 40 alternatives that only recommended runway extensions and relocations of the road – they don’t need to do that.

DeLeon – Don’t know if there was a predisposition for runway expansion by the airport owners. They should come up with a plan of how it will look in the future and have discussion with community to address growth.

Somich –You’ve said that you would like to see where all the parties come together - environment with areas preceding this. Despite what you’ve apparently heard, there is no consensus or agreement that the Master Plan is good for the community. All parties have not come together. 99% of the constituents in these areas are against runway expansion. The airport owners and county officials have ignored these concerns and are failing to communicate this to the FAA. The sponsors have ignored that.

DeLeon – These discussions happen around the country – maybe not to the extent we see here – the FAA does not control the planning process or what is best for the community. The planning process will continue. If the sponsors want to extend the runway, they must go through an environmental review - FAA looks at purpose and need – is it really needed? It’s reasonable for the public to make other suggestions and ask them to look at alternatives. The public is given an opportunity to connect and participate and the FAA looks at this in detail.

Rinker - Asked if the FAA could explain components of environmental review

DeLeon- Environmental measures include socioeconomic, natural environment, air quality, noise, etc. 26 different categories are examined – can provide list to the communities.

Reichelt – We need to be involved in the process – perhaps a matter for the FAA office in Detroit – Surprised that we received a letter from them that said FAA would have a limited role in planning process.

DeLeon – Planning process is different from the environmental process

Reichelt - Socioeconomic impact will be great and we want the FAA to research carefully examine this aspect.

DeLeon – When we get to the environmental process, we will look at that.

Reichelt – Is the FAA still considering the rest of the alternatives?

DeLeon – Only a couple – they will look at this again to see if the evidence they will provide improvements. The FAA can’t approve the master plan – it’s not our document. The approval came locally.

Reichelt – We want to have environmental forums with plenty of public input – Concerned about the 65 DNL measurement– it’s a weighted average over a twenty-four hour period. We feel that this method does not work.

Fiebig - Remarked that there is no corresponding community plan or involvement – commissioners tabled the initial consideration of the plan when a busload of residents showed up. Then, after a delay, they called a meeting with little notice and voted to pass the plan. Alternative #8, which calls for no runway expansion, but safety improvements, seems to be a better alternative.

DeLeon- If you have a proposal that makes sense, present it at the environmental stage – it will get reviewed. The FAA hopes that community can come together in the process.

Fiebig – Is there proven economic benefit to expanding a runway 900 feet?

DeLeon – Jobs are important – stimulus and Airport Improvement Fund (AIP) – look at need for supporting projects – if

there is a critical need.

Gase - Does not believe the need for a longer runway has been justified – shorter runways may be the norm in the future– cited Flight Options recent order of 100 Brazilian jets for shorter runways.

DeLeon – Good point, you do not build a longer runway for a particular aircraft.

Gase – If the County were spending their own money on this project, they would never do it. They'll do it only if their using the FAA's money.

Lobe – The impression we want to leave you with today is that we represent four cities that clearly do not support the runway expansion idea. Flight and airport usage statistics are wrong and flawed. They say this is all for safety, but that truly seems to be the last priority here.

DeLeon – Safety is quite important – must have adequate safety areas. For extension, there must be a need.

Lobe - Outlined our Public Records Request for Cuyahoga County records. Many months later, they gave us only some of the documents only after we were prepared to sue when we did not receive them.

Coleman – The County made a ridiculous offer to sell the airport for \$100 million on the day before the Commissioners meeting with nothing to support the price –no documentation. He then presented a letter from the County that implies the County could change their plans if we could guarantee income levels for the airport.

Rinker – There is no justification politically – they have stymied counterpart government.

DeLeon – FAA will want to see the justification, the numbers

Boyle – What if the numbers are not correct? Many of the numbers they presented with are not actual.

Weger – What about the FAA's funding consideration of the plan?

DeLeon – The funding for the plan would go through appropriators in Congress – not through the FAA.

Weger – The \$100 million dollar offer the County gave us on a voicemail does not represent the actual value of the airport but we cannot get actual numbers for a basis. What is the environmental time frame?

DeLeon - Does not start right away. The airport institutes it – in a year or two. If process goes right – it would be funded under AIP.

DeLeon – We have a process to make sure it is right – this would be funded under AIP.

Weger – We need to be involved in the environmental process. Should we be in contact with the Detroit office? Who is the contact person?

DeLeon – We will put notices in paper about process, public hearings – open – FAA will attend hearings and hear public comment.

Lobe – Because it has been so difficult in getting records and keeping abreast of the status of the process, can there be an ongoing FOIA request for documents in Detroit/FAA offices?

DeLeon – FOIA process documents are protected in some parts, particularly in the planning phases – pre-decision documents are protected from FOIA requests.

Weger – Is there an appeals process after the environmental process is complete?

DeLeon – There is a process – take it to court – challenge the FAA decision – The courts have usually sided with the FAA in the past.

Biro – Happy to hear that when the environmental comes into play – there will be a forum to discuss concerns. There is overwhelming opposition to this from us and our neighboring communities.

DeLeon- FAA would sign off on it – will consider - is this a viable plan?

Biro - When looking at the environmental issues, do you consider landlocked airports, wetlands, natural destruction – look at other options?

DeLeon – We do look at other options that make sense during the process.

Somich – We want transparency and we want participation in the process. We haven't received it as yet from Cuyahoga County officials – we've been manipulated. I hope this is recognized by the FAA.

Fiebig – Do you consider the other nearby airports in your review?

DeLeon – There is oversight of the master plan process– we look at other options – look at environmental in 3 air miles to 6 or 7 air miles. There are other agencies that do regional planning.

Reichelt – I wish that were true, but it's not. There is no regional planning being on the local, state, or federal level and the engineering consultant did not address this either.

Gase – Showed map of current airport so FAA officials could see what it looked like, potential expansion area.

Thanked FAA officials for attendance and participation.

**Adjournment at 3:40pm**

***Public Portion***

**Convened at 3:39 p.m. No one spoke.**

**Meeting adjourned at 3:40 p.m.**

## **OTHER COUNCIL REPRESENTATIVE REPORTS**

- **There were no other Council Representative Reports brought forth to 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 7:35 p.m.**

1. Frank Cihula  
On Behalf of the WH Historical Society, thanked Nate Catania for work done at Campbell Park
2. Linda Fulton  
2990 Marcum Boulevard  
Re: Serious Accidents at 91/90; Landscaping being done by City? Thanked the Mayor for acknowledging the Community Days Committee for funding the banners for the City's Corn Fest
3. Murry Seldon  
28846 Eddy Road  
Re: Fire Hydrants look good; Complimented Council on conducting business-like meetings, professionally done

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

## **UNFINISHED BUSINESS**

- Councilman Germano responded to Linda Fulton's question regarding landscaping by stating that the landscaping in question was located in the right-of-way in Assessment Area C and how the landscaping was going to be moved without damage; no new landscaping is being done within the City.
- Councilman Reichelt stated that the Safety Committee was aware of the accident that occurred on 90/91; everything is properly marked and everything is proper with respect to traffic control devices; Councilman Reichelt recommend putting up signs reminding everyone to drive carefully.
- Councilman Fiebig suggested looking at legislation to ban text messaging; put out the word to please be careful when driving in the community.

## **LEGISLATION**

### **ORDINANCE NO. 2009-59 – SECOND READING**

**AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR JANUARY 1, 2010 TO DECEMBER 31, 2010 FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2009-59.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-59 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Reichelt to adopt Ordinance No. 2009-59.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-59 has been adopted.**



**ORDINANCE NO. 2009-60**

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**AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREETS AND MUNICIPAL EASEMENTS BY CONSTRUCTING 6-INCH SANITARY LATERAL CONNECTIONS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, FOR THE WILLOW LANE SANITARY SEWER DISTRICT, IN ACCORDANCE WITH RESOLUTION NO. 2009-8 ADOPTED ON MAY 11, 2009.**

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**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2009-60.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-60 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Germano to adopt Ordinance No. 2009-60.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-60 has been adopted.**

**ORDINANCE NO. 2009-61**

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**AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREETS AND MUNICIPAL EASEMENTS BY CONSTRUCTING AN 8-INCH SEWER, PUMP STATIONS AND FORCE MAINS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO (AREA “C”), IN ACCORDANCE WITH RESOLUTION NO. 2009-7 ADOPTED ON MAY 11, 2009.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-61.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-61 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Reichelt to adopt Ordinance No. 2009-61.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-61 has been adopted.**

**ORDINANCE NO. 2009-62**

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**AN ORDINANCE ACCEPTING THE BID OF JACK DOHENY SUPPLIES OF 1860 SUMMIT COMMERCE PARK, TWINSBURG, OHIO FOR A SEWER TRUCK 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. 2009-62.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-62 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Fiebig to adopt Ordinance No. 2009-62.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-62 has been adopted.**

**ORDINANCE NO. 2009-63**

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**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A RENEWAL OF AN EXISTING 2.5 MILL LEVY IN EXCESS OF THE TEN (10) MILL LIMITATION AT THE GENERAL ELECTION TO BE HELD NOVEMBER 3, 2009 FOR THE CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS, BRIDGES AND THE REPLACEMENT AND REPAIR OF NECESSARY ROAD EQUIPMENT & MACHINERY INCLUDING BUT NOT LIMITED TO MATERIALS, LABOR & FACILITIES IN THE CITY AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2009-63.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Ordinance No. 2009-63 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to adopt Ordinance No. 2009-63.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-63 has been adopted.**

**ORDINANCE NO. 2009-64**

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**AN ORDINANCE CONSENTING TO AND APPROVING THE COURT ORDER AND JUDGMENT ENTRY OF THE COURT OF COMMON PLEAS OF LAKE COUNTY, OHIO IN THE CASE TITLED 9091, LLC, ET. AL. VS. CITY OF WILLOUGHBY HILLS, OHIO, CASE NO. 07CV0359, DATED OCTOBER 3, 2007.**

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**President Malecek declared that Ordinance No. 2009-64 would remain on First Reading.**

**RESOLUTION NO. 2009-14**

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**A RESOLUTION AUTHORIZING THE MAYOR TO FILE A CONSTRUCTION LOAN APPLICATION AND ENTER INTO A LOAN AGREEMENT WITH THE OHIO EPA WATER POLLUTION CONTROL LOAN FUND AND THE OHIO WATER DEVELOPMENT AUTHORITY NECESSARY FOR THE CONSTRUCTION OF THE EUCLID CREEK TRIBUTARY WATERSHED ASSESSMENT AREA C PROJECTS, CONTRACTS 5 & 6 AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to suspend the Three Reading Rule for Resolution No. 2009-14.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Resolution No. 2009-14 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to adopt Resolution No. 2009-14.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

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

**RESOLUTION NO. 2009-15**

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**A RESOLUTION APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS AND MUNICIPAL EASEMENTS BY CONSTRUCTING AN 8-INCH SEWER, PUMP STATIONS AND FORCE MAINS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO (ECTW AREA “C”), IN ACCORDANCE WITH RESOLUTION NO. 2009-7 ADOPTED ON MAY 11, 2009.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2009-15.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Resolution No. 2009-15 has been suspended.**

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

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

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

#### **RESOLUTION NO. 2009-16**

**A RESOLUTION APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS AND MUNICIPAL EASEMENTS IN THE WILLOW LANE SANITARY SEWER DISTRICT BY CONSTRUCTING 6-INCH SANITARY LATERAL CONNECTIONS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, IN ACCORDANCE WITH RESOLUTION NO. 2009-8 ADOPTED ON MAY 11, 2009.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to suspend the Three Reading Rule for Resolution No. 2009-16.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Resolution No. 2009-16 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Germano to adopt Resolution No. 2009-16.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

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

#### **NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Reichelt to authorize the Mayor to advertise for bids for the Corporate 90 and Stark Drive Pump Station Improvements.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Mayor is authorized to advertise for bids for the Corporate 90 and Stark Drive Pump Station Improvements.**

#### **FOR THE GOOD OF THE ORDER**

- Councilman David A. Reichelt announced that the Willoughby Hills Boys League is holding a raffle and dinner to benefit Coach Rick Newman who was seriously injured in a baseball game earlier this year. The event will be held on Friday, August 7<sup>th</sup> at 7:00 p.m. at Cappelli's Comfort Inn. Contact information can be found on the City's Website.
- Councilman Fiebig announced that the Classic Car Cruise will be held during the City's Corn Fest on Sunday, September 13<sup>th</sup> from 11:00 a.m. to 4:00 p.m. Entry forms are available at City Hall.
- Councilman Somich announced the City's Flea Market to be held Saturday, August 22<sup>nd</sup> from 9:00 a.m. to 3:00 p.m. at Campbell Park.
- Councilman Somich announced the United Way Kick-Off Campaign scheduled for August 21<sup>st</sup> at the Great Lakes Mall
- Councilman Somich announced the "free" days being held at the Lake County Fair for Veterans, Seniors, and new this year is a Women's Day.
- Councilman Reichelt announced the annual Touch-A-Truck to be held Saturday, August 8<sup>th</sup>.

## ADJOURNMENT

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

**Roll Call: 6 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

ATTEST: \_\_\_\_\_

Victoria Ann Savage, CMC  
Clerk of Council

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