

# City of Willoughby Hills

Council  
CHRISTOPHER L. BIRO  
NANCY E. FELLOWS  
DAVID M. FIEBIG  
FRANK A. GERMANO  
RAYMOND C. SOMICH

## Regular Council Meeting

### Minutes of March 26, 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.*

**7:07 p.m. Regular Meeting of Council Called to Order by David A. Reichelt serving as President Pro-tem**

#### *Pledge of Allegiance*

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

**Members Present:** Councilman Raymond C. Somich, Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, Vice President David A. Reichelt (serving as President Pro-tem)

**Absent:** President Kevin D. Malecek

**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 GERMANO**, seconded by Councilman Fiebig to excuse Council President Kevin D. Malecek.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Pro-tem Reichelt declared that Council President Malecek has been excused from the Regular Council Meeting of March 26, 2009.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to appoint Councilman Raymond C. Somich to serve as Vice President Pro-tem for the Regular Council Meeting of March 26, 2009.

**Roll Call: 5 AYES with Councilman Somich abstaining**

**MOTION PASSES**

**President Pro-tem Reichelt declared that Councilman Somich will serve as Vice President Pro-tem for the Regular Council Meeting Minutes of March 26, 2009.**

#### **Disposition of the Journal Regular Council Meeting of March 12, 2009**

**President Pro-tem Reichelt stated that the Minutes for the Regular Council Meeting of March 12, 2009 will be addressed at the Regular Council Meeting April 9, 2009.**

#### **Correspondence**

- David A. Reichelt, Chairman of the Planning & Zoning Committee of Council to Mrs. Charlotte Schryer, Chairman of the Planning & Zoning Commission, dated March 13, 2009 re: Proposed Ordinances/Revisions to Proposed Zoning Code Amendments previously submitted to the Planning Commission

- City of Highland Heights Resolution No. 13-2009, re: Highland Heights' Unequivocal Opposition to the Extension of the runway at Cuyahoga County Airport
- **Email:** Kevin Delaney to Councilman Reichelt, dated March 20, 2009 re: Noise Abatement Council

#### **Notifications**

- **CIVIL SERVICE COMMISSION MEETING OF APRIL 3, 2009**
- Finance Committee Meeting of March 23, 2009
- Finance Committee Meeting of March 26, 2009
- Planning and Zoning Commission & Architectural Board of Review – No pending business; therefore there will be no meeting for March 19, 2009
- Rules & Legislation Committee Meeting of March 23, 2009
- Service Committee Meeting of March 23, 2009
- **UTILITIES COMMITTEE MEETING OF MARCH 30, 2009**

#### **Minutes**

- Board of Building and Zoning Appeals Meeting of January 13, 2009
- **Finance Committee Meeting of March 23, 2009**
- **Finance Committee Meeting of March 26, 2009**
- Planning and Zoning Commission & Architectural Board of Review Meeting of January 15, 2009
- Planning and Zoning Commission & Architectural Board of Review Meeting of February 5, 2009
- **Rules and Legislation Committee Meeting of March 23, 2009**
- **SERVICE COMMITTEE MEETING OF MARCH 23, 2009**

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

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

##### Services

- Willoughby Hills Edition – last issue April
- Initiative Petition – Rezoning Question - Special Election to be held May 5, 2009 for Issue 1
- Summer Sprinkling Program Applications deadline April 30<sup>th</sup> – information available on City Website
- WH Lion's Club Scholarship Applications available on City Website
- WHISPER Applicants available on the City's Website

##### Acknowledgements

- Part-time Patrolman Christopher Wyse
- Willoughby South High School Decathlon Team

##### Events

- Easter Egg Hunt – Saturday, April 4<sup>th</sup> at 1:00 p.m.
- Kids Prints ID available during Easter Egg Hunt
- WHISPER Program – Clean Up Day for Seniors scheduled for Saturday, April 25<sup>th</sup>
- Special Election – May 5<sup>th</sup> – 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 14<sup>th</sup>
- Willoughby Hills Cornfest to be held on September 12<sup>th</sup> and 13<sup>th</sup>

##### Legislation

- Passage of Ordinances: 18, 19, 20, 21, 22, 23, 24, 25 and Resolutions 3 and 4

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

- Inspection of Cuyahoga County Airport Records

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

- Received a favorable bid for upcoming renewal of notes from US Bank at a rate of 2.95%
- Supports the passage of Ordinance No. 2009-21 Ordinance No. 2009-22 and Ordinance No. 2009-23 and Ordinance No. 2009-24 – Appropriations

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

- Illicit Discharge and Illegal Control Ordinance
- NOACA confirms SOM Center Road Project is on the Tier One List – will be funded at 100% of the cost
- Attended Service Committee and Rules and Legislation Committee
- Improvements on Stark Drive

## **COMMITTEE REPORTS**

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

#### **Committee Members:**

**Nancy E. Fellows, David A. Reichelt**

### **COMMITTEE MEETING OF MARCH 23, 2009**

**Members Present:** Chair Raymond C. Somich, Councilwoman Fellows, Councilman David A. Reichelt

**Also Present:** Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman Frank A. Germano, President 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 9:13 p.m.**

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

- Discussed the Issuance of and Sale of Notes: Ordinance No. 2009-21, Ordinance No. 2009-22 and Ordinance No. 2009-23
- Finance Director reviewed proposed Permanent Appropriations in detail – Ordinance No. 2009-24
- Finance Director feels good about the numbers – still very tight – would like 5 to 10% of annual budget as carryover, but trying to be even will be an accomplishment
- No cuts to personnel are being made at this time
- Incoming Revenues coming into the City from the State - Mayor estimates 7% cut in State Revenues
- Conservative revenue estimates – future still unknown
- Finance Committee to continue to monitor City finances on a monthly basis

#### ***Public Portion***

**Public Portion was Opened at 9:45 p.m.**

Frank Cihula – Garfield Park Fund

Linda Fulton – Status of Road Levy

Bob Kowalsky – Questions pertaining to Bond Notes Community Center Debit Service; Accounts 251 and 291 – needs to be investigated

Frank Cihula - \$5.00 License fees – goes to Pleasant Valley Road budget and Construction Costs

**Public Portion was Closed at 9:53 p.m.**

**Meeting adjourned at 9:53 p.m.**

### **COMMITTEE MEETING OF MARCH 26, 2009**

**Members Present:** Chair Raymond C. Somich, Councilwoman Fellows, Councilman David A. Reichelt

**Also Present:** Councilman David M. Fiebig, Councilman Frank A. Germano, President 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 6:20 p.m.**

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

- Discussion of Payment of Bills – cash flow minimal – nothing over – appropriated but carrying negative balances in some cases until cash is received
- Purchase Order System
- 2005 Audit – In-auditable according to State Standards
- State to start 2006 Audit sometime in April
- Funds 251 and 291 – we have not determined any culpability on behalf of any past director or officials
- Internal Auditor and Finance Director will follow-up once more to try to determine the cause of mistakes made to funds 251 and 291
- Increase Revenue for City by a possible Safety Levy and/or Increase in Tax Credit

- Garfield Sales (approved by Willoughby-Eastlake Board of Education) to be used for particular but unknown purpose
- Need to create Ordinance to establish Garfield Fund and then transfer funds into it
- City Grange –currently do not have funds for required improvements at the grange

#### ***Public Portion***

Frank Cihula – appreciated effort with Garfield Account and hopes to see balance transfer

Bob Kowalsky – City needs cushion due to economic problems all around us

Mayor – informed us of changes made in the Fire Department, Police Department and Service Department - daily savings with staffing reductions, energy/lighting, use of vehicles, supplies, on-line training and grants – Green Agenda underway along with economic savings across the board

Finance Director – bid on notes received at much lower rate from US Bank (Ordinance No. 2009-24)

**Meeting adjourned at 7:05 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.

#### **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 MARCH 23, 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, Councilman Raymond C. Somich, Mayor Robert M. Weger

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

**Meeting convened at 7:20 p.m.**

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

##### **Ordinance 2009-11: Recreation Fees Ordinance**

**Remains on Second Reading at the next Council meeting.**

##### **Ordinance 2009-12-17: Zoning Code Amendments**

Will be on the Council Agenda – have been discussed and recommended – also on the Planning and Zoning’s Agenda. Public Hearing at second meeting in April. **Three Reading Rule will be in effect.** Fellows: question about the Pole Sign Ordinance – Planning has not agreed to it, has not acted upon this or any of these – approval or denial at Planning and Zoning, comes to Council for final decision – 6 or 7 for passage if they deny it.

##### **Ordinance 2009-18: Amendment to Engineering Services**

For additional work – correct situation in the subdivision. Clean water getting into the system – too much capacity – coordinated closely with the city – handle other subdivisions – detection and come back to Council – how to approach residents may be attached illegally – flow monitoring. Foundation drains connected to the sanitary system – yard drains, driveway drains, illegally connected to the sanitary. Winchester Hills/Willoughby Hills Towers – construction of last project – observed in the sanitary – water flowing in off of Winchester/WH Towers – parking lot draining into the sanitary. **NOTE: Please alter ordinance to say “Willoughby Hills Towers” and not “Winchester Hills”. Consensus to waive Three-Reading Rule and Adopt at Council.**

##### **Ordinance 2009-19: Codification of Ordinances**

Saved money by not doing every year – better to get it done. **Consensus to waive Three-Reading Rule and Adopt at Council.**

##### **Ordinance 2009-20: Purchase – Case Mini-Excavator for the Sewer Department**

Usually rented over the last six years – purchase of one – Sewer Grant Program – State bid/State price – directly from Case price – Marcum/Parkview – replace culvert/pipe/ditching – zero turn radius. Trailard Drive – sewer pipe in back to the river. **Consensus to waive Three-Reading Rule and Adopt at Council.**

**Ordinance 2009-21:** Review the Notes – paying down and rolling over - \$450,000 note coming due (Dispatch Center)

**Ordinance 2009-22:** Renewal of Notes (Improving a portion of Route)

**Ordinance 2009-23:** New Note for funds for the Dispatch Center - \$200,000 – thirty days.

**Consensus to waive Three-Reading Rule and Adopt Ordinances 21, 22, and 23 at Council.**

**Ordinance 2009-24:** Reviewed in the Finance Committee

**Ordinance 2009-25:** Reviewed in the Service Committee

**Resolution 2009-3:** Coordination with Stimulus Funding

Resolution to support applying for stimulus funds for 100% funding of the signalization project – two sources of money – NOACA and the Governor's Office – portion controlled by NOACA – top project in Lake County – took it as the top project. Somich – engineering fees and other expenses – not eligible for federal aid, but did add resurfacing to SOM Center Road from end-to-end – cost us \$500,000 several years ago. **Consensus to waive Three-Reading Rule and Adopt at Council.**

Airport Runway Expansion – follow along with Highland Heights and Richmond Heights – quite vigilant – passage again. Will draft **Resolution 2009-4** for Thursday – waive Two-Day Notification if necessary.

#### ***Public Portion***

Linda Fulton – property on Maple Grove – zoning concerns – tells legal descriptions of what they are asking for – rezoned to Senior Citizen Residential – can be large two-story building – high density type living arrangement. Zoned has Residential R-1 – supported one-acre minimum.

Robert Kowalsky – iron fist handling people – best thing you can do right now is walk into the establishment right now – just the start of this – the attitude – how are you going to check on illicit drainage – go into someone's house and do it – election – is that zoning in effect here senior citizen zoning – what we have defined for it – relate to you guys one more time – Mayor O'Ryan and Ken Lorenz had their names all over that literature by Osborne – did they break the law anywhere – can go to the extreme – more involvement – in this election – standing up and saying it – right to the airport – once again say to the Commissioners – asked you now for years – talk to them – fighting against the airport – fighting against the airport – should say solutions – general has the plaque – run home – going to right – here is an open door – we are not denying safety – why don't you put that in there – what would be agreeable on reconstruction – don't just stand there like a brick wall – rethink your attitudes with our citizens – losses and gains could be – giant crowd – and you did sleep – been sleeping.

**Meeting adjourned at 7:54 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**

#### **COMMITTEE MEETING OF MARCH 23, 2009**

**Members Present:** Chair Nancy E. Fellows, Councilman Christopher L. Biro, Councilman Frank A. Germano

**Also Present:** President Kevin D. Malecek, Councilman David A. Reichelt, Councilman Raymond C. Somich, Mayor Robert M. Weger, Finance Director Joseph G. Mirtel, City Engineer Richard Iafelice

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

**Meeting convened at 6:41 p.m.**

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

**Ordinance -2009-25** – addresses localized flooding and trapping of silt on 2360 Trailard Drive, negotiating easement with Mr. & Mrs. Frangos for construction of storm sewer improvements. **Consensus of Service Committee to recommend to Council to Adopt this Ordinance.**

**Corner of Chardon Road and Stark Drive improvements** – will create/improve aesthetics; improve road surface and drainage issues on each corner of Stark for the benefit of businesses and residents entering Stark. Looking to use TIF monies to finance City's share along with the business (Fazio's). City and business working together; need to review any legal issues. It is the consensus of the Service Committee to have the City Engineer discuss proposal with the owner of Fazio's.

**SOM Center Road Improvements** – review of improvements: signals/black mast arms, curb ramps (Federal mandated), median between the Cleveland Clinic and Classics, pavement striping, cross walks, signage, landscape plan. City Engineer to investigate granite type rock entrance sign at the north end of the median.

**Trash / Recycling** – To schedule another Service Committee meeting (April 6<sup>th</sup>) to discuss variables of this program.

Need 2,400 customers and there is a Senior Citizen Discount.

***Public Portion***

**The following people came forth with questions/comments:**

Joyce Grady – inquired about black pipes positioned on her street– new storm sewer replacement pipes.

Linda Fulton – comments concerning the island on the corner of Eddy and Rt. 91 and safety. Questions concerning maintenance on City roads this year.

Bob Kowalsky – comments on the bike path proposal, concerned about bikes crossing Rt. 90 and/or 91

Linda, Joyce, and Frank comments pertaining to the Trash/Recycle proposal.

**Meeting adjourned at 9:04 p.m.**

- **Announced that a Service Committee has been scheduled for Monday, April 6, 2009 at 6:00 p.m.**

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

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

The Utilities Committee has not met; therefore no formal report was given.

- **Announced that a Utilities Committee Meeting will be called to meet at 8:00 p.m. on Monday, March 30<sup>th</sup> to further discuss the Sanitary Sewer Project – Assessment Area C.**

**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 – David A. Reichelt, President Pro-tem**

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

**OTHER COUNCIL REPRESENTATIVE REPORTS**

- **Councilman Biro stated that a meeting of the Ad-Hoc Committee of Council Against the Expansion of the Cuyahoga County Airport will be called for in April.**

**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 7:45 p.m.**

1. Joyce Grady  
3020 Marcum Boulevard  
Re: Explain use of Emergency Clause
2. Robert Kolwasky  
2585 Timberline Drive  
Re: Independent Audit to review to accounts 251 and 291: Ordinance No. 2009-12,  
Ordinance No. 2009-13 and Ordinance No. 2009-16

**Public Portion was closed at 7:50 p.m.**

**UNFINISHED BUSINESS**

- **There was no “Unfinished Business” brought forth to Council. Law Director responded to Joyce Grady’s question regarding the use of an Emergency Clause.**
- **Law Director provided additional information pertaining to Ordinance No. 2009-12 and stated that there is a checks and balance system within the Ordinance.**
- **Councilman Somich provided commentary with respect to Ordinance No. 2009-16**

## **LEGISLATION**

### **ORDINANCE NO. 2009-11**

**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.**

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President Pro-tem Reichelt declared that the Ordinance No. 2009-11 will remain on Second Reading.

### **ORDINANCE NO. 2009-12**

**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.**

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President Pro-tem Reichelt declared that the Ordinance No. 2009-12 will remain on First Reading.

### **ORDINANCE NO. 2009-13**

**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.**

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President Pro-tem Reichelt declared that the Ordinance No. 2009-13 will remain on First Reading.

### **ORDINANCE NO. 2009-14**

**AN ORDINANCE AMENDING CHAPTER ELEVEN, 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.**

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President Pro-tem Reichelt declared that the Ordinance No. 2009-14 will remain on First Reading.

### **ORDINANCE NO. 2009-15**

**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.**

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President Pro-tem Reichelt declared that the Ordinance No. 2009-15 will remain on First Reading.

### **ORDINANCE NO. 2009-16**

**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.**

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President Pro-tem Reichelt declared that the Ordinance No. 2009-16 will remain on First Reading.

**ORDINANCE NO. 2009-17**

**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.**

President Pro-tem Reichelt declared that the Ordinance No. 2009-17 will remain on First Reading.

**ORDINANCE NO. 2009-18**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE CONTRACT AMENDMENT NO. 7 WITH CT CONSULTANTS, INC. FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE PLANNING, DESIGN, AND CONSTRUCTION-RELATED SERVICES FOR THE EUCLID CREEK TRIBUTARY WATERSHED SANITARY SEWER IMPROVEMENTS; AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2009-18.

**Roll Call: 6 AYES**

**MOTION PASSES**

President Pro-tem Reichelt declared that the Three Reading Rule for Ordinance No. 2009-18 has been suspended.

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to adopt Ordinance No. 2009-18.

**Roll Call: 6 AYES**

**MOTION PASSES**

President Pro-tem Reichelt declared that Ordinance No. 2009-18 has been adopted.

**ORDINANCE NO. 2009-19**

**AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2009-19.

**Roll Call: 6 AYES**

**MOTION PASSES**

President Pro-tem Reichelt declared that the Three Reading Rule for Ordinance No. 2009-19 has been suspended.

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Germano to adopt Ordinance No. 2009-19.

**Roll Call: 6 AYES**

**MOTION PASSES**

President Pro-tem Reichelt declared that Ordinance No. 2009-19 has been adopted.

**ORDINANCE NO. 2009-20**

**AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF EQUIPMENT FOR THE SERVICE DEPARTMENT PROVIDED THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, OHIO COOPERATIVE PURCHASING PROGRAM FOR AN AMOUNT NOT TO EXCEED \$53,187.00 AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2009-20.

**Roll Call: 6 AYES**

**MOTION PASSES**

President Pro-tem Reichelt declared that the Three Reading Rule for Ordinance No. 2009-20 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Somich to adopt Ordinance No. 2009-20.

Roll Call: 6 AYES

MOTION PASSES

President Pro-tem Reichelt declared that Ordinance No. 2009-20 has been adopted.

#### **ORDINANCE NO. 2009-21**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$450,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF RENOVATING, IMPROVING AND EQUIPPING THE CITY'S EXISTING FIRE AND POLICE COMMUNICATIONS CENTER AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2009-21.

Roll Call: 6 AYES

MOTION PASSES

President Pro-tem Reichelt declared that the Three Reading Rule for Ordinance No. 2009-21 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to adopt Ordinance No. 2009-21.

Roll Call: 6 AYES

MOTION PASSES

President Pro-tem Reichelt declared that Ordinance No. 2009-21 has been adopted.

#### **ORDINANCE NO. 2009-22**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$600,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF IMPROVING, IN COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION, U.S. ROUTE 6 IN THE CITY BY RESURFACING AND INSTALLING AND REPLACING CURB RAMPS THERETO, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-22.

Roll Call: 6 AYES

MOTION PASSES

President Pro-tem Reichelt declared that the Three Reading Rule for Ordinance No. 2009-22 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Somich to adopt Ordinance No. 2009-22.

Roll Call: 6 AYES

MOTION PASSES

President Pro-tem Reichelt declared that Ordinance No. 2009-22 has been adopted.

#### **ORDINANCE NO. 2009-23**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$200,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF RENOVATING, IMPROVING AND EQUIPPING THE CITY'S EXISTING FIRE AND POLICE COMMUNICATIONS CENTER.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2009-23.

Roll Call: 6 AYES

MOTION PASSES

President Pro-tem Reichelt declared that the Three Reading Rule for Ordinance No. 2009-23 has been suspended.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Fiebig to adopt Ordinance No. 2009-23.

Roll Call: 6 AYES

MOTION PASSES

President Pro-tem Reichelt declared that Ordinance No. 2009-23 has been adopted.

#### **ORDINANCE NO. 2009-24**

**AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS NECESSARY TO MAINTAIN CITY SERVICES FOR THE FISCAL PERIOD BEGINNING JANUARY 1<sup>ST</sup> THROUGH DECEMBER 31<sup>ST</sup> OF 2009; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2009-24.

Roll Call: 6 AYES

MOTION PASSES

President Pro-tem Reichelt declared that the Three Reading Rule for Ordinance No. 2009-24 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to adopt Ordinance No. 2009-24.

Roll Call: 6 AYES

MOTION PASSES

President Pro-tem Reichelt declared that Ordinance No. 2009-24 has been adopted.

#### **ORDINANCE NO. 2009-25**

**AN ORDINANCE ACCEPTING A PERMANENT AND/OR TEMPORARY EASEMENT FOR THE CONSTRUCTION OF A STORM SEWER AS DESCRIBED IN EXHIBIT A AND DECLARING AN EMERGENCY.**

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2009-25.

Roll Call: 6 AYES

MOTION PASSES

President Pro-tem Reichelt declared that the Three Reading Rule for Ordinance No. 2009-25 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Ordinance No. 2009-25.

Roll Call: 6 AYES

MOTION PASSES

President Pro-tem Reichelt declared that Ordinance No. 2009-25 has been adopted.

#### **RESOLUTION NO. 2009-3**

**A RESOLUTION BY THE ADMINISTRATION AND COUNCIL OF THE CITY OF WILLOUGHBY HILLS TO SUPPORT AND ENDORSE AN APPLICATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (FEDERAL STIMULUS) FUNDING FOR TRAFFIC SIGNALIZATION AND ROADWAY IMPROVEMENTS ALONG SOM CENTER ROAD (S.R. 91) AND EUCLID CHARDON ROAD (U.S. 6) AND DECLARING AN EMERGENCY.**

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Somich to suspend the Three Reading Rule for Resolution No. 2009-3.

Roll Call: 6 AYES

MOTION PASSES

President Pro-tem Reichelt declared that the Three Reading Rule for Resolution No. 2009-3 has been suspended.

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Somich to adopt Resolution No. 2009-3.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Pro-tem Reichelt declared that Resolution No. 2009-3 has been adopted.**

#### **RESOLUTION NO. 2009-4**

**A RESOLUTION ADVISING THE FEDERAL AVIATION ADMINISTRATION OF THE CITY OF WILLOUGHBY HILLS' UNEQUIVOCAL OPPOSITION TO THE EXTENSION OF THE RUNWAY AT CUYAHOGA COUNTY AIRPORT.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Somich to suspend the Two Day Notification Rule for Resolution No. 2009-4.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the Three Reading Rule for Resolution No. 2009-4 has been suspended.**

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

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Pro-tem Reichelt declared that the Three Reading Rule for Resolution No. 2009-4 has been suspended.**

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

**Councilman Biro stressed the importance of this Resolution for it is the City's way of expressing its opposition to the expansion of the Cuyahoga County Airport.**

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Pro-tem Reichelt declared that Resolution No. 2009-4 has been adopted.**

#### **NEW BUSINESS**

- There was no "New Business" brought forth to Council.

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

- Councilman Somich announced that the date for Joshua's Jam has been set for August 23<sup>rd</sup> and will be held at the La Vera Party Center in Willoughby Hills.
- Councilman Somich announced that the Lakeland Foundation Andy Nowacki Benefit Gala will be held at the LaMalfa Party Centre on Friday, April 3<sup>rd</sup>.
- Councilman Fiebig announced that Audubon Society of Greater Cleveland will be hosting a nature walks beginning Sunday, April 26<sup>th</sup>. Check dates of future walks on the City's Website.

#### **ADJOURNMENT**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to adjourn until the next Regular Council Meeting.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Pro-tem Reichelt declared that Council is adjourned until the next Regular Council Meeting. Meeting adjourned at 8:21 p.m.**

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

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

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