

# City of Willoughby Hills

## Regular Council Meeting Minutes of September 11, 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.

7:04 p.m. Meeting called to order by President of Council Kevin D. Malecek

### *Pledge of Allegiance*

President Malecek took a moment to make the following brief statement on the occasion that we honor today:

*“Seven years ago, our nation withstood a national tragedy of immense and unthinkable proportions.*

*Seven years ago, I stood in Arlington, Virginia and watched as terrorists attacked the Pentagon with American Airlines Flight 77.*

*It was a day that changed me, that changed all American. It was a call to action; it was a call to service.*

*As we take a moment today to remember the thousands of people who lost their lives that day, and the many Americans who have sacrificed their lives for freedom and liberty after September 11th, let us take heart in the words of a patriotic hymn – words that seem to portend our feelings on this day of remembrance:*

*“O beautiful for patriot dream, that sees beyond the years, thine alabaster cities gleam,  
undimmed by human tears.”*

*Seven years later, our alabaster cities still gleam, and they stand sentinel over our patriot dream – a dream of liberty and freedom – that we will certainly see beyond our years.*

*Let us join in a moment of silence for those whom we remember on this day.”*

### Roll Call of Council

**Members Present:** Councilman David M. Fiebig, Councilman Frank A. Germano, President of Council Kevin D. Malecek, Vice President David A. Reichelt, Councilman Raymond C. Somich, 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

**Absent:** Councilman Christopher L. Biro

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilwoman Fellows to excuse Councilman Christopher L. Biro.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Malecek stated that the Councilman Christopher L. Biro has been excused from this evening's meeting.**

**Disposition of the Journal**

**Regular Council Meeting of June 26, 2008**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Germano to approve the Regular Council Meeting Minutes of June 26, 2008 as submitted.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Regular Council Meeting Minutes of June 26, 2008 have been approved as submitted.**

**Regular Council Meeting of July 10, 2008**

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of July 10, 2008 as submitted.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Regular Council Meeting Minutes of July 10, 2008 have been approved as submitted.**

**Regular Council Meeting of July 24, 2008**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Reichelt to approve the Regular Council Meeting Minutes of July 24, 2008 as submitted.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Regular Council Meeting Minutes of July 24, 2008 have been approved as submitted.**

**Correspondence**

- Mayor's Monthly Statement to Council for the Month of July 2008
- Emails: Gil Martello to Council, dated July 24, 2008 re: Article from WSJ as it relates to CGF and the reply from President Kevin Malecek, dated August 5, 2008 and August 7, 2008
- Mayor's Monthly Statement to Council for the Month of August 2008
- Richard Iafelice, City Engineer to Honorable Robert Weger and Members of Council, re: Status Report
- Copy of the Agreement between The Department of the Army and the City of Willoughby Hills for Design and Construction Assistance for the Euclid Creek Sanitary Sewer Improvements Project
- Victoria Ann Savage, Clerk of Council to Members of Council, Robert M. Weger/Safety Director, Richard Harmon/Fire Chief, Christopher Collins/Police Chief, Fred Wyss, Jr./Building Commissioner and Richard Iafelice/City Engineer, dated September 5, 2008 re: Notification of Impending Oil and Gas Exploration and Drilling Operations to take place within the City of Willoughby Hills
- Linda J. Williams, Chair of the Children Services Levy Committee to City Council re: The Children Services Renewal Levy
- Financial Reports: Cash Reconciliation, Purchase Orders and Fund Balance Change Analysis for Months Ending July 2008 and August 2008
- Ohio EPA: Executed WPCLF Certification of Performance for Willoughby Hills, ECTW Sanitary Sewer Improvements, Contracts No. 2, 3, & 4 – Area "B" Loan No. CS 392310-03
- **LETTER RECEIVED FROM KEITH BRANDT TO BUILDING COMMISSIONER FRED WYSS, JR., (CC: MAYOR AND CITY COUNCIL) DATED SEPTEMBER 10, 2008 RE: RIVERS EDGE SUBDIVISION**

## ***Notifications***

- Board of Building and Zoning Appeals Meeting of August 12, 2008
- Board of Building and Zoning Appeals Notification for Case No. 2008-4
- Ohio Municipal League 57<sup>th</sup> Annual Conference – October 1, 2 & 3, 2008
- Planning & Zoning Commission and Architectural Board of Review Meeting of August 7, 2008
- Special Meeting of Council of August 21, 2008
- Board of Building and Zoning Appeals Meeting of September 9, 2008
- Board of Building and Zoning Appeals Notification for Case No. 2008-5
- Finance Committee Meeting of September 11, 2008
- Personnel Relations Committee Meeting of September 9, 2008
- Rules & Legislation Committee Meeting of September 9, 2008
- Planning & Zoning Commission and Architectural Board of Review Meeting of August 21, 2008
- Planning & Zoning Commission and Architectural Board of Review Meeting of September 4, 2008
- Lakeland Community College to hold Lake County Public Officials Leadership Forum on Friday, October 3, 2008
- Ohio Planning Conference (OPC), Cleveland Section Planning & Zoning Workshop to be held Friday, November 14, 2008

## ***Minutes***

- Charter Review Commission Meeting Minutes of July 9, 2008
- Charter Review Commission Meeting Minutes of August 5, 2008
- Board of Building and Zoning Appeals Meeting of July 8, 2008
- Planning and Zoning Commission & Architectural Board of Review Meeting Minutes for July 3, 2008
- Planning and Zoning Commission & Architectural Board of Review Meeting Minutes for July 17, 2008
- Planning and Zoning Commission & Architectural Board of Review Meeting Minutes for August 7, 2008
- **RULES AND LEGISLATION COMMITTEE MEETING MINUTES OF SEPTEMBER 9, 2008**

## ***On File***

- Richard J. Iafelice, City Engineer to Honorable Robert M. Weger, dated July 28, 2008 re: 2008 Striping Program/Bid Results
- John F. Topolski, Assistant City Engineer to Ms. Judy Mentzer, Project Coordinator/Ohio Environmental Protection Agency – DEFA, dated August 15, 2008 re: City of Willoughby Hills/Assessment Area “C” General Plan Addendum (WPCLF Loan CS 392310-04)
- (2) Emails were received addressed to: Mayor, President of Council and Council Office dated August 20, 2008 re: Willoughby Hills Day Camp
- Willoughby Hills Senior Center – Activity Pages for September 2008, Issue Number 9
- Cities & Villages for the July/August 2008
- Reducing Damage from Localized Flooding: A Guide for Communities

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

- ***City Services:***
  - Heavy Trash Pickup started on the east side of the City (east of 91); Trash Pickup will commence on the west side of the City on Monday, September 15<sup>th</sup>
  - Public “Town Hall” Meetings will be held at the Willoughby Hills Community Center regarding these issues at 7:00 p.m. on Monday, October 13<sup>th</sup> and October 27<sup>th</sup> to discuss the proposed Charter Amendments
  - Chardon Road Paving
  - Part-time Police Officer and Part-time Fire Fighter were hired
- ***Upcoming City Events***
  - **September 13<sup>th</sup>** - First Annual Steak and Corn Roast to be held in conjunction with the City Flea Market, the ever-popular Touch-a-Truck and Fireworks
  - Halloween Part – Sunday, October 26<sup>th</sup>

• **Legislation**

- Supports the passage of Ordinance No. 2008-62, Ordinance No. 2008-63, Ordinance No. 2008-64, Ordinance No. 2008-65, Ordinance No. 2008-66 and Resolution No. 2008-9, Resolution No. 2008-10, Resolution No. 2008-11

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

- No formal report was given.

**FINANCE DIRECTOR – Joseph G. Mirtel**

- August 31<sup>st</sup> Financial Reports
- Supported passage of Ordinance No. 2008-65 and Resolution No. 2008-9

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

- Referenced Status Report of September 2008
- Pine Ridge Waterlines/Easements
- Resolution No. 2008-10 – OPWC Application for Maplegrove Slope – (total cost of project \$450,000)
- Resolution No. 2008-11 – OPWC Application for Bishop Road – total cost of project \$145,000
- Utilities Committee Meeting required to review Area Assessment C – outstanding item related to the White Road Sewer Alternative that remains unresolved and it needs to be brought to closure
- Illicit Discharge Ordinance required by the Ohio EPA to comply with the City's Phase II Stormwater Management Requirements

**COMMITTEE REPORTS**

**FINANCE – Raymond C. Somich**

**COMMITTEE MEETING OF SEPTEMBER 11, 2008**

**Members Present: Chairman Raymond C. Somich, Councilwoman Nancy E. Fellows, Councilman David A. Reichelt joined the meeting in progress**

**Also Present: Councilman David M. Fiebig, Councilman Frank Germano, Council President Kevin D. Malecek, Finance Director Joseph Mirtel**

**Purpose of the Meeting was to review City Finances and any other business.**

**Meeting convened at 6:38 p.m.**

- Reviewed the Cash Reconciliation as well as the Purchase Order Summary, the Fund Balance and the Change Analysis as of August 31, 2008. Paperwork was very much in order.
- Budget looks okay through the end of the year; had made adjustments earlier in terms of between different accounts
- Adjustments to the Budget will be made at the end of the year
- Finance Director to supply the Finance Committee for the temporary budget for the first three months of 2009
- Comments were made pertaining to the payment of City Bills – the Committee was informed by the Finance Director that most of the City's billing was being done on a two-week basis, occasionally, a 30-day basis – only items left beyond that time frame would be items with any questions and/or disputes and require further verification

**Public Portion was opened and following people came forth with the following questions and/or concerns:**

Joyce Grady – (1) Euclid has \$18 million deficit in Sewer Fund; affect on WH? (2) Increase in recyclables – make money or cost money (3) how many City vehicles do we have and cost to maintain?

Frank Cihula – (1) 800 Funds re----- to developer deposits – funds not returned; history provided, will give to Joe

Linda Fulton – (1) how much O/T has Nate received this year, thus far? (2) Why is Service Department working on Saturdays?

Robert Kowalsky – (1) How much will the Maple Grove Project cost?

**Meeting Adjourned at 7:02 p.m.**

## **PLANNING & ZONING – David A. Reichelt**

- The Planning & Zoning Committee has not met; therefore no formal report was given.
- Announced that a Planning & Zoning Committee Meeting will be scheduled for September 30<sup>th</sup> at 7:00 p.m. for a presentation from the *Chagrin River Watershed Partners on Implementing Balanced Growth in the Chagrin River Watershed*.

## **RECREATION – David M. Fiebig**

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

## **RULES & LEGISLATION – President Kevin D. Malecek**

### **COMMITTEE MEETING OF SEPTEMBER 9, 2008**

**Members Present:** Chairman Kevin D. Malecek, 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, Fire Chief Richard Harmon

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

**Meeting Convened at 7:37 p.m.**

#### **2008-67: Outdoor Fires**

Harmon - Phone calls placed to members of Council – intent of the change is not limited – Fire/Police Department point of view – what is and what is not allowed. Sixteen open burning complaints in the last year – anonymous call – confusion in the Code – needs to be clarified. Section was written in 1955 – intent of it was to limit huge fire problems – properties and buildings were destroyed – different response time. Burning waste versus campfire – “any other combustible” can be interpreted that you cannot burn anything.

Proposed change mirrors Ohio open burning regulations – clean – what you can do, what you can not do – look at table – what you can do, what you can’t, what you need a permit for. Complaint should be changed to violations – may be neighbors that do not get along. Two complaints seem to be extreme – violation is a better term. Fiebig – what issues brought this up? Harmon – there was a small fire – neighbor complained – out of control fire – not really a valid claim – Ordinance did not allow an exception. Bring us in line with Ohio law. Germano – who made up? Harmon – State of Ohio EPA regulations. Ceremonial fires – length of time. Notify Health District – permit process comes through the Fire Department. School bonfires – regulated – pretty specific.

**Strike from Ceremonial Fires: “duration no longer than three hours” and “permit must be obtained through the Willoughby Hills Fire Department.” And add “permit must be obtained through the Willoughby Hills Fire Department.” To Agricultural Waste part of code.**

**Ordinance 2008-49:** Radical change and new Ordinance introduced Ordinance 2008-66 to assuage concerns brought forward in the last Rules meeting.

**Ordinance 2008-62:** Recommendation from the Board of Election to codify the boundaries of our electoral districts – gets us into compliance with state law – Board of Elections has recommended that we do this – we do control the districts. **Consensus to waive three reading rule and adopt.**

**Moved to Small Conference room – recess until 8:00pm.**

**Ordinance 2008-63:** Vehicle surplus – not declared surplus last time but needed to be – run parallel – 63 goes into 64 – adds a few extra items for surplus – similar fashion – put them on Internet Auction. Look at the items to declare as surplus. **Consensus to waive three reading rule and adopt.**

**Ordinance 2008-64:** Items already declared as surplus, but allows them to go up for Internet auction – can throw as much as we want on there. Required to have bid specifications – Mentor is doing this and using the same company. The company pays the finder’s fee – set the minimum bid at \$1,100 – if we don’t get it, you can go to a private auction as we normally do. Germano – can the City set a price on something and sell it outright? Weger – no, we want to get the most we can – we can’t sell it early. Could go up in value. Will be on publics surplus.com. Still have to advertise in newspaper and for more than fifteen days. **Correction – website must be changed. Consensus to waive three reading rule and adopt.**

**Ordinance 2008-65:** Petty Cash – Fire Department did not need a petty cash fund. Eliminating the practice –

do not sell anything – do not take fees. Add Recreation Petty Cash fund to this Ordinance. Vicki will research with Joe Mirtel. **Consensus to waive three reading rule and adopt.**

**Ordinance 2008-66:** New Noise Ordinance – reason put this together was after talking to the Chief – more general and without specific time frames. Better than what we have now. Germano – Mayor should still be able to waive the noise ordinance requirement. Do not want to politicize – disorderly conduct – depends on facts, circumstances, we can reduce it – put on probation. Germano – how are they permitted to have a band? Somich – if you are making too much noise and keeping your neighbors out, you should be warned. Mayor – say it’s not at my house – it’s at a business – Wright Place for instance – who do I cite – band, owner, manager? Cite every one of them? Lobe – laundry list of people, owner doesn’t know necessarily that things are going on – tenant and contractor – we are going to cite a certain person. “No person, association, firm or corporation shall permit” – operator is different – not me, LLC. Put faith in the Police Department. Somich – only other comment is a minor one – “early morning noise” – on B(8) – time of morning day or night. Fiebig – time of the day or night is pretty clear in my mind – “time in which noise occurs” **Change to “the time at which the noise occurs.” Take emergency clause out. Consensus to waive three reading rule and adopt.**

**Resolution 2008-9:** Setting tax rates – what was approved by the County Auditor – accepting it. **Consensus to waive three reading rule and adopt.**

**Resolution 2008-10:** Resolution to authorize the Mayor to file application with OPWC n for Maple Grove Slope Repair Improvements. **Consensus to waive three reading rule and adopt.**

**Resolution 2008-11:** Resolution to authorize the Mayor to file application with OPWC for Bishop Road Resurfacing Improvements. **Consensus to waive three reading rule and adopt.**

#### *Public Portion*

Bob Kowalsky – Your Engineer messed up the slope on Maple Grove Road – the City touched it – and the County had nothing to do with it anymore – once we touched it – what will it end up costing us? Ordinance 2008-66 – right by Classic – how late have you been there? Have you talked to ironworkers making the noise? They are making noise with hammers – reverse beep to hear it all day – core problem with whole legislation – complaint driven – people have to become the evil for the complaint – to keep on complaining – they are the enemy – making it a misdemeanor is worthless for construction people. All regulations must be in the contract so they agree – we agree to work certain hours – there is a great deal of noise. Now you guys are not doing the job – started off commercial business – beat up residences – general for nuisance – urbanize the city. The whole idea – core of it is wrong – that’s what is wrong.

**Meeting adjourned at 8:49 p.m.**

- **Chairman Malecek announced that the next Rules & Legislation Committee will be scheduled for Tuesday, September 23, 2008 and will return to the regular Monday rotation in October.**

#### **SAFETY – David A. Reichelt**

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

#### **SERVICE – Nancy E. Fellows**

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

#### **UTILITIES – Frank A. Germano**

- The Utilities Committee has not met; therefore no formal report was given.
- **Announced that there will be a Utilities Committee Meeting will be scheduled**

#### **PERSONNEL RELATIONS – Christopher L. Biro**

- President Malecek announced that Councilman Biro is absent this evening; the Personnel Relations Committee did meet this past Tuesday evening (September 9<sup>th</sup>) to discuss various personnel matters.

#### **WORKING COMMITTEE OF COUNCIL – President Kevin D. Malecek**

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

**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.**

**President Malecek opened public portion at 7:34 p.m.**

1. Joyce Grady  
3020 Marcum Boulevard  
Re: Ordinance No. 2008-49 – replaced with Ordinance No. 2008-66, requested clarification; what is the definition of “noise”?
2. Robert Kowalsky  
2585 Timberline Drive  
Re: (1) Tornado Warning – Safety Issues; (2) Safety Plan; (4) City to provide notification/warning to residents (3) Ordinance No. 2008-66 – too broad, leave on First Reading

**With no further commentary coming forth from the public, President Malecek closed Public Portion at 7:39p.m.**

**UNFINISHED BUSINESS**

- Councilman Somich responded to comments made by Joyce Grady pertaining to Ordinance No. 2008-66 – an Ordinance dealing with Noise in terms of relativity.
- Councilman Somich responded to Mr. Kowalsky’s concerns with respect to safety issues and the responsibility of the Emergency Management of Lake County with regards to having the authority to reverse 911 calls – there is a database, there is a system that can begin making calls in reverse and calling every home.

**LEGISLATION**

**ORDINANCE NO. 2008-49 – Third Reading**

AN ORDINANCE AMENDING PART FIVE – GENERAL OFFENSES CODE, CHAPTER 509 DISORDERLY CONDUCT AND PEACE DISTURBANCE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS BY THE ADDITION OF SECTION 509.11 – DISTURBING THE PEACE; CONSTRUCTION AND LAWN CUTTING HOURS AND DECLARING AN EMERGENCY.

**MOTION WAS MADE BY COUNCILMAN REICHEL**T, seconded by Councilman Fiebig to Post-Pone Indefinitely Ordinance No. 2008-49.

**Roll Call: 6 AYES – unanimous MOTION PASSES**

**President Malecek declared that Ordinance No. 2008-49 has been Post-Poned Indefinitely.**

**ORDINANCE NO. 2008-62**

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE ONE – GENERAL PROVISIONS BY THE CREATION AND ESTABLISHMENT OF CHAPTER 105 – DISTRICTS AND BOUNDARIES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2008-62.

**Roll Call: 6 AYES - unanimous MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Ordinance No. 2008-62 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN REICHELT, seconded by Councilman Germano to adopt Ordinance No. 2008-62.**

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Malecek stated that Ordinance No. 2008-62 has been adopted.**

**ORDINANCE NO. 2008-63**

**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 FIEBIG, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2008-63.**

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Ordinance No. 2008-63 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to adopt Ordinance No. 2008-63.**

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Malecek stated that Ordinance No. 2008-63 has been adopted.**

**ORDINANCE NO. 2008-64**

**AN ORDINANCE AUTHORIZING THE MAYOR TO SELL SURPLUS VEHICLES AND EQUIPMENT ON THE OPEN MARKET, UPON SUCH TERMS AND AT SUCH PRICES AS ARE DEEMED MOST ADVANTAGEOUS TO THE CITY OF WILLOUGHBY HILLS, AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2008-64.**

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Ordinance No. 2008-64 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN GERMANO seconded by Councilman Reichelt to adopt Ordinance No. 2008-64.**

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Malecek stated that Ordinance No. 2008-64 has been adopted.**

**ORDINANCE NO. 2008-65**

**AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – FINANCE DEPARTMENT, SECTION 135.09 – PETTY CASH FUNDS, SUB-SECTION (a) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS BY THE ELIMINATION OF THE FIRE DEPARTMENT PETTY CASH FUND WITH THE TRANSFER OF SAID BALANCE TO THE PETTY CASH FUND OF THE DEPARTMENT OF FINANCE; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2008-65.**

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Ordinance No. 2008-65 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilwoman Fellows to adopt Ordinance No. 2008-65.**

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Malecek stated that Ordinance No. 2008-65 has been adopted.**

**ORDINANCE NO. 2008-66**

AN ORDINANCE AMENDING PART FIVE – GENERAL OFFENSES CODE, CHAPTER 509 - DISORDERLY CONDUCT AND PEACE DISTURBANCE, SECTION 509.10 – LOUD RAUCOUS AND UNNECESSARY NOISE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION.

The Law Director stated that there had been substantial changes to Ordinance No. 2008-66, the Emergency Clause had been removed; therefore he would advise Council to waive the Two Day Notification Rule.

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Fiebig to suspend the Two Day Notification Rule for Ordinance No. 2008-66.

**Roll Call: 6 AYES - unanimous** **MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Ordinance No. 2008-66 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Somich to suspend the Three Reading Rule for Ordinance No. 2008-66.

**Roll Call: 6 AYES - unanimous** **MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Ordinance No. 2008-66 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Somich to adopt Ordinance No. 2008-66.

**Roll Call: 6 AYES - unanimous** **MOTION PASSES**

**President Malecek stated that Ordinance No. 2008-66 has been adopted.**

**RESOLUTION NO. 2008-9**

A RESOLUTION AUTHORIZING THE CITY OF WILLOUGHBY HILLS TO ACCEPT THE AMOUNTS AND RATES FOR THE YEAR 2009 AS DETERMINED BY THE BUDGET COMMISSION OF LAKE COUNTY, OHIO AND AUTHORIZING THE NECESSARY TAX LEVIES AND THE CERTIFICATION THEREOF TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY.

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Resolution No. 2008-9.

**Roll Call: 6 AYES - unanimous** **MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Resolution No. 2008-9 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Somich to adopt Resolution No. 2008-9.

**Roll Call: 6 AYES - unanimous** **MOTION PASSES**

**President Malecek stated that Resolution No. 2008-9 has been adopted.**

**RESOLUTION NO. 2008-10**

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION FOR FUNDS NECESSARY FOR THE MAPLE GROVE ROAD SLOPE REPAIR IMPROVEMENTS AND DECLARING AN EMERGENCY.

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Resolution No. 2008-10.

**Roll Call: 6 AYES - unanimous** **MOTION PASSES**

**President Malecek stated that the Three Reading Rule for Resolution No. 2008-10 has been suspended.**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Germano to adopt Resolution No. 2008-10.

**Roll Call: 6 AYES - unanimous** **MOTION PASSES**

President Malecek stated that Resolution No. 2008-10 has been adopted.

**RESOLUTION NO. 2008-11**

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION FOR FUNDS NECESSARY FOR THE BISHOP ROAD RESURFACING IMPROVEMENTS AND DECLARING AN EMERGENCY.

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2008-11.

Roll Call: 6 AYES - unanimous

**MOTION PASSES**

President Malecek stated that the Three Reading Rule for Resolution No. 2008-11 has been suspended.

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Germano to adopt Resolution No. 2008-11.

Roll Call: 6 AYES - unanimous

**MOTION PASSES**

President Malecek stated that Resolution No. 2008-11 has been adopted.

**NEW BUSINESS**

- There was no new business brought forth to Council.

**FOR THE GOOD OF THE ORDER**

- Councilman Reichelt mentioned the City's premier event of the year, the 2008 Fall Corn Fest and encouraged everyone to come out and enjoy the fall event.
- Councilman Somich announced that the Lake Metro Farm Park is hosting a Senior Fair on Tuesday, September 16<sup>th</sup> from 9:00 a.m. to 3:00 p.m. Admission is free with breakfast being provided to seniors.
- Councilman Reichelt announced that on Tuesday, September 16<sup>th</sup> at 11:30 a.m. the WH Senior Center will host their monthly Pot Luck Luncheon at the Community Center. There will be a special presentation on the history of Willoughby Hills.
- Councilman Fiebig acknowledged the good work that the Mayor has done with coordinating volunteers for the Corn Fest. Volunteers are still needed and if there is anyone interested in helping with this event, please contact the Mayor's Office or Councilman Fiebig.

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Reichelt to adjourn.

Roll Call: 6 AYES – unanimous

**MOTION PASSES**

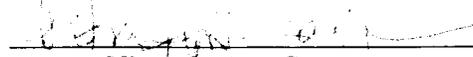
Meeting adjourned at 8:01 p.m.

APPROVED:

  
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 Date

  
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**Kevin D. Malecek**  
 President of Council

ATTEST:

  
 \_\_\_\_\_  
**Victoria Ann Savage**  
 Clerk of Council