

# City of Willoughby Hills

## Regular Council Meeting Minutes of September 24, 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.*

7:05 p.m. Meeting of Council Called to Order by President of Council.

### *Pledge of Allegiance*

### Roll Call of Council

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

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

### Disposition of the Journal      Special Council Meeting of August 24, 2009

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Reichelt to approve the Special Council Meeting Minutes of August 24, 2009 as submitted.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Malecek declared that the Special Council Meeting Minutes of August 24, 2009 have been approved as submitted.**

### Regular Council Meeting of September 10, 2009

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of September 10, 2009 as submitted.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Malecek declared that the Regular Council Meeting Minutes of September 10, 2009 have been approved as submitted.**

### Correspondence

- Mid-America Engineering, Inc. to Mayor John J. Zur, dated June 21, 1993 (as received from resident Mr. Murray Seldon ) on September 10, 2009 re: Drainage at 28846 Eddy Road
- **Email** from Laketran Friends to Members of Council, dated September 10, 2009 re: LIFT Sponsor & Donations
- Richard J. Iafelice to Mayor Robert Weger, dated September 21, 2009 re: Corporation 90 & Stark Road Pump Station Rehabilitation Bid Review
- **FRANK BRICHACEK, INTERNAL AUDITOR TO JOSEPH MIRTEL, DIRECTOR OF FINANCE, DATED SEPTEMBER 14, 2009 RE: ANALYSIS OF SPECIAL REVENUE FUND NUMBER 251 – 2004 ROAD LEVY FUND AND FUND NUMBER 291 – BRF FUND**

- **CITY ENGINEER TO OHIO ENVIRONMENTAL PROTECTION AGENCY – DEFA, DATED SEPTEMBER 22, 2009 RE: CITY OF WILLOUGHBY HILLS/ECTW AREA “C” – WPCLF MODIFIED LOAN SCHEDULE**

#### **Notifications**

- Finance Committee Meeting of September 21, 2009
- Planning and Zoning Commission & Architectural Board of Review Meeting of September 17, 2009
- Rules and Legislation Committee Meeting of September 21, 2009
- Safety Committee Meeting of September 24, 2009
- Service Committee Meeting of September 14, 2009
- 2009 APA Cleveland Planning & Zoning Workshop scheduled for November 13, 2009
- ODNR Coastal Management Assistance Grants – Applications Available

#### **Minutes**

- **Finance Committee Meeting of September 21, 2009**
- Recreation Commission Meeting of April 7, 2009
- Recreation Commission Meeting of June 2, 2009
- Recreation Commission Special Meeting of June 9, 2009
- **Rules and Legislation Committee Meeting Minutes of September 21, 2009**
- Planning and Zoning Commission & Architectural Board of Review Meeting of August 20, 2009
- **Safety Committee Meeting of September 24, 2009**

#### **On File**

- **FINANCIAL REPORTS: CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING JULY 2009**
- **FINANCIAL REPORTS: CASH RECONCILIATION, PURCHASE ORDERS AND FUND BALANCE CHANGE ANALYSIS FOR THE MONTH ENDING AUGUST 2009**

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

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

- City’s Fall Corn Fest – Huge Success
- Heavy Trash Pickup slated for October (East of Rt 91 – October 5<sup>th</sup> and West of Rt 91 – October 12<sup>th</sup> )
- Reviewing a Citywide Trash/Recycling Program
- Recycle Containers – proceeds to go to WHISPER Program
- Art Displayed in the Community Center – part of the proceeds to go to WHISPER Program
- New School Zone located at Route 91
- Developing Financial Model – To be implemented during the 4<sup>th</sup> Quarter of 2009 thru 2010 – predicated on lower than anticipated revenues – currently the City is 10% down in income tax revenue and the City needs to take some steps in order to make the Financial Model work for the City and be more fiscally responsible.
- Opening Bids for Municipal Property and Auto Insurance - September 25<sup>th</sup>
- Lithuanian Center – Constructing Mary Rose Estates – 40 Unit Congregate Care Facility
- Events:
  - October 3            VFW Post 4358 – Annual Clambake from 4:00 p.m. to 6:00 p.m.
  - October 10        Annual Craft Show to be held at the Community Center from 10:00 a.m. to 4:00 p.m.
  - October 16        City Music Cleveland – St. Noel’s Church – 8:00 p.m.
  - October 24        Annual Halloween Party to be held at the Community Center from 6:00 p.m. to 8:00 p.m.
  - November 11      Veterans Day Ceremony to be held at the WH Veteran’s Memorial

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

- No Formal Report was given.

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

- No Formal Report was given.

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

- 7 pieces of Legislation: Ordinance No. 2009-68, Ordinance No. 2009-69, Ordinance No. 2009-71, Ordinance No. 2009-72, Ordinance No. 2009-73, Ordinance No. 2009-74 and Resolution No. 2009-19
- Corporation 90 & Stark Road Pump Station Rehabilitation Bid Review – Motion required to authorize re-bidding of this project
- Assessment Area C Project - Bid Opening extended to October 7<sup>th</sup>

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

**Committee Members:**

Nancy E. Fellows, David A. Reichelt

**COMMITTEE MEETING OF SEPTEMBER 21, 2009**

**Members Present:** Councilman Raymond C. Somich, Chair, Councilwoman Nancy E. Fellows, Vice President 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, Law Director Thomas G. Lobe, Finance Director Joseph G. Mirtel and Internal Auditor Frank Brichacek

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

**Meeting convened at 6:21 p.m.**

***Order of Business***

**Chair Somich presented the following summary:**

(1) results of the audit, after approximately 150 hours spent, reviewing, trying to piece the pieces/parts back together and analyzing all of the data was that “yes” the funds of the accounts that were used that were not authorized by City Council or by the State Auditor, so legally the account numbers did not exist that were being used; (2) it was basically a re-classification of entries and transfers that was done that caused the problem for us; (3) Council never appropriated funds in or out of the accounts, the funds did not appear on printed reports for many months; (4) no cash was ever entered into the fund accounts; (5) no cash was every paid, no checks were ever paid from the fund accounts. Transactions were odd that they were being made, but the net cash effect was always to zero. All of those funds were “stop usage” at the end of 2006. The only usage of those accounts since that time had been when authorization was given for re-appropriation of the funds in order to clear out the balances. There was some speculation made, but it is purely speculation, that it appears the reason for those accounts, those funds were used was to avoid the line item budget constraints that had been set up by the Members of Council and therefore it was a way to spend money without Council approval. We also asked Law Director Lobe to weigh-in on this and he has given us his opinion in that there was no criminal conduct or sanctions pertinent or possible with this because there is no cash missing. Law Director Lobe did mention that not only did we have this analysis, this internal audit, but also that there have been ongoing audits done by the FBI, former Law Director John Luskin, by CMI Software Representative and by others. Law Director Lobe also stated that there is no Civil Case that could be made against any of the parties involved. We can’t prove culpability; there is no way of knowing if it was the Finance Director who was ordered to act upon these things, to make these changes, where does the responsibility lay, it can’t be proven. There are no paper trails that we can find, so it is very difficult to follow exactly why, when and how, no documentation. We did note that now all transfers between accounts are being documented, not only when they are being made, but why they are being made as well. Also some other points that came up, Brian Condron, our former Finance Director has been involved to try to determine as to why and as to what happened. He met several times with the State Auditors in our City Hall and in the Downtown State Offices. There has also been communication by email and phone but that did not answer the questions that are still being asked. Some of the points that have been brought back to memory were that our software system was crushing, it was failing; therefore some of the documentation that we would have now with our current system we did not have the value of and the benefit of before ; our Assistant Finance Director did not have an accounting degree; our Finance Director was a CPA but did not have Municipal experience and overall there was certain unprofessionalism that had happened out of the Finance Department. Bringing us to the more current period, the Auditors have completed their audit for 2006 and 2007. We anticipate, just as in 2005 that the books will be determined as “un-auditable” for those two years of 2006 and 2007. We will request for starting balances so that 2008 will be starting with approved balances and then we will anticipate that the State Auditors will come back in early 2010 to do an audit of 2008 and 2009 which we do expect a successful audit. As a result of all of the analysis, audits and discussions, all of the members that were present which were all of the Committee Members of Finance, as well as all the Members of Council did come to a consensus that we have discussed and analyzed, audited and reviewed these as well as

other people to the fullest extent and we don't know, quite honestly, any other way that we can check into these numbers with any more accuracy and any more depth than we already. So with that understanding especially with the idea and again with the consistent result that no cash was missing and no cash was taken; we have agreed with consensus to put to rest the discussion on accounts 251 and 291 and to not again discuss those and ask for any further research into those accounts. At the meeting we also touched on the August Reports that have been reviewed by the Members of the Committee. Cash was reconciled for August. We did talk about the budgets and obviously the budgets are tight as our revenues are below our expectations. We did have a Public Portion which opened up at 7:11 p.m. with Linda Fulton and Bob Kowalsky coming forth with questions.

- A motion was made to call a recess of the meeting at 7:17 p.m. and to reconvene later after the Rules and Legislation Committee.
- The Meeting reconvened at 7:35 p.m. with the Finance Committee adjourning into Executive Session to discuss financial issues relative to personnel. Executive Session was concluded at 8:36 p.m. with the Finance Committee Meeting convening at 8:37 p.m.

Law Director Lobe provided a further break down of the hours and work involved in providing an analysis of funds 251 and 291. Law Director stated that he will be providing a written legal opinion with respect to said accounts.

**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 SEPTEMBER 21, 2009**

Members Present: President Kevin D. Malecek, Councilman Frank A. Germano, Vice President David A. Reichelt  
Also Present: Councilman Christopher L. Biro, Councilwoman Nancy E. Fellows, Councilman Raymond C. Somich, Mayor Robert M. Weger

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

Meeting convened at 7:17 p.m.

*Order of Business*

Ordinance 2009-68, 69, 71 – dealing with signalization at Route 91/I-90 – Ordinance No. 2009-68 and Ordinance No. 2009-69 to remain on Second Reading. Ordinance No. 2009-71 will remain on First Reading.

Ordinance 2009-72 – Sanitary Sewer Easement

Acceptance of Easement – PP #31-A-007-F-00-040-0 - Lynn Drive – Motion to recommend Adoption to Council.

Ordinance 2009-73 – Sanitary Sewer Easement

Acceptance of Easement – PP #31-A-007-F-00-015-0 - Cricket Lane – Motion to recommend Adoption to Council.

Resolution 2009-18 – Budget Commission Amounts and Rates

Verifying the amounts and rates in 2010 – Motion to recommend Adoption to Council.

Resolution 2009-19 – Lamplight Lane OPWC Grant Funding

Motion to recommend Adoption to Council.

Proposed Ordinance 2009-74 – Accepting Vacation of Portion of Lands of I-90 for additional right-of-way – it is ODOT recommended to someone else a vacation – Engineer would like us to move forward with recognizing this – may not come forward on Thursday – will have better clarification. Motion to recommend adoption to Council in concept.

Brief update on Property Maintenance Legislation – modifying to make it consistent with Commercial – two or three ordinances into one – research continues.

*Public Portion*

Faye Silvalzian – my concerns are specifically related – three concerns dealing with roadways concerning my property – Hayes Drive, water is draining off of Hayes Drive onto a lot – talked to Laura Kuns today – water should be put in French

Drain – filtered – most importantly not making wetlands out of my lot. Mailbox – traffic on Pleasant Valley Road – speeded up and more abundant – right in the full lane – not even two foot – tragedy waiting to happen. Robert Kowalsky – what’s this proposal for the congregate care facility – what are they going to do with water going into Gullybrook – detention – biotic retention ponds – when they built what they built – ODOT never knew that water was going to Gullybrook – make sure notify ODOT on this – this is an ODOT easement.

Meeting was adjourned at 7:35 p.m.

**SAFETY – David A. Reichelt, Chair**

**Committee Members:**

**Christopher L. Biro, David M. Fiebig**

**COMMITTEE MEETING OF SEPTEMBER 24, 2009**

**Members Present: Vice President David A. Reichelt, Councilman Christopher L. Biro, Councilman David M. Fiebig**

**Also Present: Councilwoman Nancy E. Fellows, Councilman Frank A. Germano, President Kevin D. Malecek, Councilman Raymond C. Somich, Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Joseph G. Mirtel, City Engineer Richard J. Iafelice, Clerk of Council Victoria Ann Savage**

**Purpose of the Meeting was to discuss IT/Dispatch Center and any other business.**

**Meeting convened at 6:09 p.m.**

***Order of Business***

Chairman Reichelt opened the meeting by stating that the purpose of the meeting that being to provide an opportunity for the Members of Council to tour the IT/Dispatch Center and due to the security issues related to the IT/Dispatch Center the Safety Committee would be adjourning into Executive Session, per ORC Section 121.22(G)(6) which states: that a public body may adjourn into executive session to discuss details of security arrangements and emergency response protocols where disclosure could be expected to jeopardize the security of the public body or public office.

***Public Portion***

**Public Portion was opened at 6:10 p.m.**

**Joyce Grady – Questioned the reason for an Executive Session**

**Linda Fulton – Questioned why the notification for the Safety Committee Meeting didn’t state that an Executive Session would be called**

**Frank Cihula – Questioned why cameras were installed outside**

**Bob Kowalsky – Questioned the need for an Executive Session**

**Motion was made by Councilman Biro, seconded by Councilman Fiebig to adjourn into Executive Session inviting all the Members of Council, the Mayor, the Law Director, the Finance Director, the City Engineer and the Clerk of Council for the purpose of touring the IT/Dispatch Center.**

**Meeting was adjourned at 7:00 p.m.**

**SERVICE – Nancy E. Fellows, Chair**

**Committee Members:**

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

**COMMITTEE MEETING OF SEPTEMBER 14, 2009**

**Members Present: Councilwoman Nancy E. Fellows, Chair, Councilman Frank A. Germano**

**Also Present: Councilman David M. Fiebig, President Kevin D. Malecek, Councilman David A. Reichelt, councilman Raymond C. Somich, Mayor Robert M. Weger, Law Director Thomas G. Lobe, City Engineer Richard J. Iafelice, Representatives from Universal and Waste Management**

**Purpose of the Meeting was to discuss (1) Ordinance No. 2009-68 and Ordinance No. 2009-69 (2) City Trash/Recycling Program (3) Residential Concerns and any other business.**

**Meeting convened at 6:05 p.m.**

***Order of Business***

**Summary of drainage issue along the south side of Neil & Donna Sturgill’s property on Fowler Drive. The City Engineer reviewed the area this past spring. There is a 25’ wide assessment straddling the Sturgill’s property and the vacant lot to the south of this property. With historic dredging, the elevation has been increased on the south side, which has impeded the flow with stagnant conditions now. A study has been advised with a cost of approximately \$3,000.00. This would include a survey of the channel flow and analysis of the watershed with cost estimate to improve the**

conditions. The channel cannot be enclosed.

**Public Portion:**

Neil and Donna Sturgill came forth with questions and concerns.

It is the recommendation of the Service Committee to bring to Council to request the Mayor and Finance Director approve the funds for the study (request completed 9/14/2009 from the Mayor to the Finance Director Joe Mirtel).

**Ordinance No. 2009 – 68** – An Ordinance to consent legislation to authorize ODOT to administer the project at Rt 91 and I 90 between the Cleveland Clinic and Classic. The ordinance also indicates consent by the City of Willoughby. ODOT will bid on this project. Stimulus funds administered by NOACA will pay ODOT. Committee recommends to Council for passage. This Ordinance will be a second reading this evening.

**Ordinance No. 2009 – 69** – An Ordinance addressing the new traffic signals and synchronization at the Rt 91 and I- 90 project. This ordinance authorizes and directs the Mayor into agreement with ODOT, City of Willoughby, and Willoughby Hills. Signals will be maintained by appropriate body. The City of Willoughby will operate all signals along this corridor through the controller on Rt. 84.

**Public Portion:**

Bob Kowalsky – Questions concerning traffic control. Why should we agree not to be controller – using controller already in place in Willoughby, more cost effective. Would ODOT let us place a controller by Classic? Yes, but this not cost effective. Committee recommends to Council for passage. This Ordinance will be a second reading this evening.

**Trash / Recycling** – Universal and Waste Management representatives were present. Tremendous amount of discussion concerning this topic.....The contracts (bids) expire at the end of November 2009.

Council President Malecek urges that we must consider those that do not produce a significant amount of trash.

Both Universal and Waste Management in attendance has customers in Willoughby Hills.

Councilman Reichelt asked if what was bid would it be less than what a resident is currently paying? The respond was yes from both companies.

Would they would be willing to share their costs to residents? Yes, from both companies; public records.

What about the private streets? Similar to condos and apartments. Liability a concern. Could be included in the contract.

Councilman Fiebig questions if we should go forward? Concerned about bid changes for heavy trash and price. For example: types of bulk items. Our initial bid was limited versus an unlimited clause. Unlimited items would be at an extra cost. Should this go to the vote of the people? 2,400 homes, 1/2 of our residency our apartment and condo dwellers.

Councilman Germano concerned with cost savings

**Public Portion:**

Linda Fulton – if this goes through, and a resident is not happy, will the City allow another company to pick up? The answer is no. Inquired to Universal and Waste Management to identify charges, respond by both was yes. Linda feels that her right of choice is being taken away.

Frank Cihula – voiced concerns especially on his own street.

Bob Kowalsky – Voiced many concerns aligned with rates, service, and recycling.

Tony Discenza from Waste Management shared thoughts.

Law Director to check on County/City obligation to recycle.

The Service Committee recommendations are non-conclusive at this time. Awaiting an aggregate number based on average numbers of customer and cost without sharing proprietary information before we can move forward.

**Additional Topic:**

Councilman Fiebig inquired about bridge conditions over Maplegrove, Dodd, and SOM; ODOT has not responded to date. SOM bridge aesthetically displeasing (rusty).

**Meeting was adjourned at 6:32 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.

**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.
- Announced that a Personnel Relations Committee Meeting has been scheduled for October 1, 2009.

**WORKING COMMITTEE OF COUNCIL** – Kevin D. Malecek, President of Council

- 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 given.

**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 7:29 p.m.**

1. Faye Sivazlian  
37250 Chardon Road  
Re: Drainage Pipe; Mailbox; Traffic Speed on Route 6; Bill from CT Consultants, services not itemized
2. Linda Fulton  
2990 Marcum Boulevard  
Re: Recycling Bids – Service Meeting
3. Murray Seldon  
28846 Eddy Road  
Re: Referenced Letter from Mid-American Engineering, Inc. dated June 21, 1993 pertaining to unresolved drainage problems on private property
4. Robert Kowalsky  
2585 Timberline Drive  
Re: Ordinance No. 2009-68, Ordinance No. 2009-69, Ordinance No. 2009-71; Stated the need for Safety Initiative for Bike Traffic

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

**UNFINISHED BUSINESS**

- There was no unfinished business brought forth to Council.

**LEGISLATION**

**ORDINANCE NO. 2009-68 – SECOND READING**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION, DISTRICT 12 TO UPGRADE TRAFFIC SIGNALS AND INTERSECTION IMPROVEMENTS ALONG EUCLID-CHARDON ROAD (U.S. 6) AND S.O.M. CENTER ROAD (S.R. 91) IN THE CITIES OF WILLOUGHBY HILLS AND WILLOUGHBY AND DECLARING AN EMERGENCY.**

**President Malecek declared that Ordinance No. 2009-68 will remain on Second Reading.**

**ORDINANCE NO. 2009-69 – SECOND READING**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO AN AGREEMENT BY AND BETWEEN THE CITY OF WILLOUGHBY HILLS, THE OHIO DEPARTMENT OF TRANSPORTATION, DISTRICT 12 AND THE CITY OF WILLOUGHBY FOR THE PURPOSE OF INSTALLING AND MAINTAINING A CLOSED LOOP TRAFFIC SIGNAL SYSTEM ON STATE ROUTE (SR) 91) IN THE CITIES OF WILLOUGHBY HILLS AND WILLOUGHBY AND DECLARING AN EMERGENCY.**

**President Malecek declared that Ordinance No. 2009-69 will remain on Second Reading.**

**ORDINANCE NO. 2009-71**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A AN AGREEMENT WITH THE CITY OF WILLOUGHBY FOR THE SOM CENTER ROAD TRAFFIC SIGNALIZATION IMPROVEMENTS AND DECLARING AN EMERGENCY.**

President Malecek declared that Ordinance No. 2009-71 will remain on First Reading.

**ORDINANCE NO. 2009-72**

**AN ORDINANCE ACCEPTING PERMANENT AND TEMPORARY SANITARY SEWER EASEMENTS TO INSTALL, CONSTRUCT, RECONSTRUCT, MAINTAIN, REPAIR, REPLACE, REBUILD, OPERATE, IMPROVE, USE INSPECT, AND REMOVE SAID SANITARY SEWER AND ALL NECESSARY APPURTENANCES THERETO AS DESCRIBED IN EXHIBIT "A" FOR THE EUCLID CREEK TRIBUTARY WATERSHED AREA "C" SANITARY SEWER IMPROVEMENTS AND DECLARING AN EMERGENCY.**

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2009-72.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-72 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Ordinance No. 2009-72.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2009-72 has been adopted.

**ORDINANCE NO. 2009-73**

**AN ORDINANCE ACCEPTING PERMANENT AND TEMPORARY SANITARY SEWER EASEMENTS TO INSTALL, CONSTRUCT, RECONSTRUCT, MAINTAIN, REPAIR, REPLACE, REBUILD, OPERATE, IMPROVE, USE INSPECT, AND REMOVE SAID SANITARY SEWER AND ALL NECESSARY APPURTENANCES THERETO AS DESCRIBED IN EXHIBIT "A" FOR THE EUCLID CREEK TRIBUTARY WATERSHED AREA "C" SANITARY SEWER IMPROVEMENTS AND DECLARING AN EMERGENCY.**

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2009-73.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-73 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Reichelt to adopt Ordinance No. 2009-73.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that Ordinance No. 2009-73 has been adopted.

**ORDINANCE NO. 2009-74**

**AN ORDINANCE ACCEPTING THE VACATION OF A PORTION OF LANDS OF INTERSTATE 90 PRESENTLY EXISTING AS ADDITIONAL RIGHT-OF-WAY, NEITHER PAVED NOR IMPROVED, IN THE CITY OF WILLOUGHBY HILLS.**

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Reichelt to suspend the Three Reading Rule for Ordinance No. 2009-74.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Malecek declared that the Three Reading Rule for Ordinance No. 2009-74 has been suspended.

**MOTION WAS MADE BY COUNCILMAN REICHELT**, seconded by Councilman Fiebig to adopt Ordinance No. 2009-74.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Ordinance No. 2009-74 has been adopted.**

#### **RESOLUTION NO. 2009-18**

**A RESOLUTION AUTHORIZING THE CITY OF WILLOUGHBY HILLS TO ACCEPT THE AMOUNTS AND RATES FOR THE YEAR 2010 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 Councilman Reichelt to suspend the Three Reading Rule for Resolution No. 2009-18.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Resolution No. 2009-18 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Reichelt to adopt Resolution No. 2009-18.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Resolution No. 2009-18 has been adopted.**

#### **RESOLUTION NO. 2009-19**

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION FOR FUNDS NECESSARY FOR THE LAMPLIGHT LANE RETENTION BASIN IMPROVEMENTS AND DECLARING AN EMERGENCY.**

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

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Three Reading Rule for Resolution No. 2009-19 has been suspended.**

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

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Resolution No. 2009-19 has been adopted.**

#### **NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Reichelt to authorize the Mayor to rebid the Corporation 90 & Stark Road Pump Station Rehabilitation Project.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that the Mayor is authorized to rebid the Corporation 90 & Stark Road Pump Station Rehabilitation Project.**

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

- Councilman Somich thanked everyone involved with the West Fest.

#### **ADJOURNMENT**

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

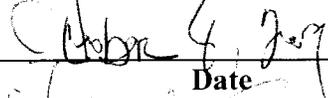
**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Malecek declared that Council is adjourned until the next Regular Council Meeting.**

Meeting adjourned at 8:00 p.m.

APPROVED:

  
Date

ATTEST:

  
Victoria Ann Savage, CMC  
Clerk of Council

  
Kevin D. Malecek  
President of Council