

**CITY OF WILLOWICK  
LAKE COUNTY, OHIO**

**MINUTES AND PROCEEDINGS OF A REGULAR MEETING COUNCIL**

DATE: April 1, 2008  
PLACE: City Hall  
TIME: 7:30 p.m.

The eighth meeting of Council was called to order by Council President Moran followed by the Pledge of Allegiance to the Flag and Invocation.

**PRESENT WERE:** Council Members Moran, Allan, Vanni, Malta, Patton and Wells.  
Absent: Mr. Hintz

**ALSO PRESENT:** Mayor Richard Bonde, Law Director O'Donnell, Finance Director Benedict, Recreation Director Kless, City Engineer Juday, Service/Building Director Dominick, Police Chief Lazor, Fire Chief Posipanka and Council Clerk Russo.

**Approval of Minutes**

Motion by Mr. Patton, seconded by Mr. Allan, to approve the minutes of regular meeting of Council of March 18, 2008. Discussion: None. Vote: All ayes. Motion carried.

**Appointments, Special Resolutions & Proclamations**

Special Resolution (Mayor Bonde) A Special Resolution acknowledging and commending Firefighter John Vargo on being recognized as the Willowick Fire Department's Firefighter of the Year for 2007.

Motion by Mr. Wells, seconded by Mr. Patton, to adopt Special Resolution. Discussion: None. Vote: All ayes. Motion carried.

Special Resolution (Mayor Bonde) A Special Resolution recognizing the month of April, 2008 as Child Abuse Prevention Month.

Motion by Mr. Patton, seconded by Mr. Malta, to adopt Special Resolution. Discussion: None. Vote: All ayes. Motion carried.

**Administrative Appeals**

None.

**Reports & Communications from the Mayor/Safety Director**

Mayor Bonde received letter from Laketran and they have agreed to move the bus stop at Shoregate 100' to the west, will add larger area for shopping carts and provide new bus stop. Advised City Prosecutor to file against RMS Management for Shoregate Shopping Center. Mayor has been in contact with Joe Coreno and assured that work would begin soon to make necessary repairs; Mayor advised Mr. Coreno the company would still be cited.

Mayor spoke to Mr. Gills regarding the Outfall. Mr. Gills stated he spoke with Mr. LaTourette's office; was told Mr. LaTourette contacted a Colonel with the Army Corps of Engineers and they had agreed to push up the priority of the outfall. Further stated that the city has not submitted the proper forms. Mayor Bonde assured them the City Engineer has indeed submitted every form in a timely manner. Mr. Juday will submit a report regarding such. Reported Deborah Drive was approved for waterline replacement, project should begin soon and completed by August. Mayor will notify all residents involved by letter. Medical Center is now open, there is a drop in center as well as Physicians offices.

**Discussion of Mayor's Report:**

None.

**General Communications & Reports – Directors & Officials**

**Service Director Joe Dominick** submitted written report.

**Discussion:** None.

**Recreation Director Julie Kless** submitted written report, requested approval of Purchase Orders on the agenda this evening.

**Discussion:** None.

**City Engineer Craig Juday** submitted a written report, updated Council on the Outfall. Explained that despite the fact that critical details have not been received on the stabilizing mats from the manufacturer, he will have a plan prepared and in place to send to the agency by this Friday. Regarding the mitigation plan: the suggested alternative plan is not available, therefore Mr. Juday requested the Corps suggest an appropriate direction in which to proceed.

**Discussion:** Mayor Bonde stated one suggestion from Mr. Gills was the city place posts into the bank and attach boards across. Mayor responded that the city would not consider this type of plan until some type of approval was received. Further stated he would not send the service department employees to the already unstable bank to pound pilings into the bank. Mr. Juday stated the city would need to monitor the area to avoid any type of flow obstructions. Feels it is best to wait for approval the city is currently seeking. Mayor Bonde discussed Mr. Gills suggestion with Service Director Dominick, the alternative would be to do a burn of debris and brush in the area; however, the men would not be able to remove the large rocks from the stream. Tree branches would not be a problem but stated how unstable the area already is and to have the men walking the area would be dangerous to both the employees and the banks. Mr. Juday stated to remove the debris to maintain flow would not hinder the proposed improvement plan. Mayor thanked Mr. Juday for all his hard work with this project. Mr. Malta asked if the water flow that is cutting under the bank is a big concern. Mr. Juday responded that is a result of the very first collapse and the stream became blocked, further stated water will always find its way through. Law Director O'Donnell stated that another reason the project is being held up is that the EPA has scheduled a Public Hearing for May 5, 2008, the Army Corps will not move forward until the EPA approval; the EPA will not move forward until the Public Hearing. Mr. Juday stated he does not know what Level One approvals or priority action means. Stated the EPA has given preliminary approval, the Army Corps has also documented by email that the Public Hearing is still needed and until the hearing is complete, they will not move forward. In the meantime, there is the possibility of working toward going out to bid, in the event the permits are received in the next couple of months, the city would be well on their way to getting a contractor on board and

materials ordered. Law Director asked for verification from Mr. Juday that the city did submit a mitigation proposal, which was rejected. In turn the city asked the Army Corps, on more than one occasion, to relay to the city what was exactly needed which the Army Corps has not responded, despite what they told LaTourette. Mr. Juday stated Mr. O'Donnell's statement was correct and the ball is in their court. The agency that was brought on board to do the environmental calculations indicated that given the fact that this is not a high pristine situation with respect to water quality, they have proposed and indicated with their calculations the city only needs to replace 160 lineal feet of wetlands mitigation somewhere else. Mr. Juday added that there is actually 285' of stream. This recommendation was rejected and an arrangement had already been worked out with Geauga County Park District, the Corps rejected this plan because they are requiring 1-1 ratio, meaning there would need to be 285' of wetlands mitigation. Mr. Juday stated Geauga County Park District only had 160', therefore another 125' would be needed, another location was suggested, and they do not have any mitigation plans or projects available until the Corps comes back with some other specified locations. Ms. Moran inquired that since it has been stated it may take a couple to few more months for approval and with the freeze/thaw that we have been experiencing and the deterioration that has happened in the last two weeks, when it does cave in, who is responsible for cleaning it up and who will pay for it. Ms. Moran asked if the city would call in the Army Corps or if the Service Department would be responsible and would the city have to pay for it. Mr. Juday responded that the questions would need to be answered by individuals beyond his capacity. Law Director O'Donnell responded to Ms. Moran and stated that perhaps the city should put the 2x4's in place and contact Mr. Gills. Mr. Juday added Mr. Gills would provide funding for this recommended solution. Mr. Patton would like the minutes to reflect that the city has been advised by the Law Director that the city should take matters into their own hands and Mr. Patton will not engage in this bureaucratic absurdity that the city finds themselves in and that, as members of Council, we would be looking at criminal penalties and have no other choice but to go through with this. Ms. Moran responded, she heard yesterday that it is private property and both homeowners would be arrested and criminally charged if the city does anything to the stream, technically, it's private property and they own the slopes, they do not own the pipe, the water that runs through it or the very bottom where the stream bed is. If the city does anything else down there, the two homeowners could be arrested. Mr. O'Donnell asked if Ms. Moran were aware where that information came from, Ms. Moran responded from Mr. Gills. Mr. Wells inquired why it took so long for Mr. Gills to get Mr. LaTourette involved in this problem. Mayor Bonde responded that he asked Mr. Gills to make a call personally to him, to which Mr. Gills responded he would. Mr. LaTourette spoke with the Army Corps of Engineers and was assured the city would be placed as a top priority.

**Finance Director Cheryl Benedict** submitted her written report, reviewed and explained to Council the request for a motion to transfer appropriated resources from Victim Advocate Wage account to the P.E.R.S. account in the amount of \$176.00

**Discussion:** None.

Motion by Mr. Patton, seconded by Mr. Vanni, authorizing the transfer of \$176.00 in appropriated resources from account #222.101.5134 (Wages-Victim Advocates) to account #222.101.5220 (P.E.R.S.). Discussion: None. Vote: All ayes. Motion carried.

**Law Director John O'Donnell** no report.

**Discussion:** None.

**Police Chief Michael Lazor** submitted written report.

**Discussion:** None.

**Fire Chief Robert Posipanka** submitted report, explained Lt. O'Connell will be attending class to become a NIMS instructor, will set up classes during the summer for those city officials that are in need. Reviewed Purchase Orders, which are budgeted items.

**Discussion:** None.

**Chief Building Inspector Joe Dominick** did not have a written report. Reported when he went to the outfall to take pictures, it was noted the logs, driftwood and rocks are frozen solid and could not be moved to the beach for a burn, will have the department will check back in the next few days to burn what can be.

**Discussion:** Ms. Moran asked if the city removed the items causing the damming, would this cause more damage. Mr. Dominick responded they could not remove enough to make a difference without getting equipment down there. Mayor Bonde voiced his concern over sending the employees up and down the slopes, possibly causing more damage or injury. Ms. Moran stated the city does not want to make matters any worse.

### **WARD MATTERS**

Mr. Patton requested discussion of leaf pick up program. Mr. Patton stated that prior to the State of the City address he had opportunity to speak with several residents in Ward 3 regarding the concern about the leaf pick up program. Feedback he has been receiving from residents both before and after the State of the City has been in favor of retaining the leaf pick up program. Reminded Council a decision needs to be made by June to assure delivery of new equipment for fall pick up. Mr. Patton strongly requests further discussion, Mr. Malta agrees, explaining that he has had daily discussions with residents and their feeling, as well as his own, is that this program needs to continue. Mr. Vanni asked Mr. Dominick if there were final numbers on cost efficiency of continuing or discontinuing the program, Mr. Dominick responded he has not had further discussion since first meeting. Mr. Patton added that there are a number of elderly residents in the city and even if the city should decide to discontinue the program, it is his feeling that residents may still place their leaves on the tree lawns, causing further problems for the city. Mayor Bonde voiced his support for continuing the program and according to City Charter; the city would need to supply the leaf bags. Explained to Council that in addition to the \$19,000 extra cost to hire a company to pick up the leaves, the city would need to spend an additional \$12,000.-15,000. to purchase the bags for an estimated total cost of \$34,000. per year. To purchase a new leaf machine vehicle would cost \$38,000. Another concern would not only be the residents placing leaves on the tree lawn but that there would be a risk of storm sewer blockages from leaf debris and leaves ending up in the street. Ms. Moran stated the leaf pick up issue would be placed into Service, Utilities & Public Lands Committee to be voted on by Council at the first May meeting. Ms. Moran reminded Council at no time was a decision made to cut out the leaf program, Council discussed whether to get a new truck or a waste hauler to pick up bagged leaves. Ms. Moran stated many of the elderly couldn't bag the leaves; and that a service would never be cut without offering a substitute plan. Some discussion between Council had been the

possibility of adding the same type program that is offered for snow removal and lawn care. There has never been a decision made to cut this program. The leaf program was to be up for discussion among Council and there was never going to be a service cut without giving the residents something or option to replace it, nor would the residents not be told of these happenings, she stressed that Council would not pull anything over on the residents of the city because never has any decision been made on this issues. This issue placed into committee for discussion and recommendation at the first meeting of Council in May. Mr. Malta asked Mr. Dominick if his department could look into a problem on Divot. Mayor added that if anyone notices other areas in need of repair, please contact him or Mr. Dominick. They will be added to the list for repair. Mr. Wells stated the concern he has to the westbound exit ramp on the freeway; it juts in and out and is a hazard. Further discussed the lights that are burnt out under the bridge on the North side. Mayor Bonde agreed that the exit ramp is a hazard and he has received numerous calls.

### **PUBLIC PARTICIPATION**

Charlie Albert of Gilchrist wondered if it would be cost effective to repair or replace the leaf machine.

Tim Slocomb of E. 293<sup>rd</sup> stated that with regard to leaf collection, he does not understand why the city would stop the service to save some money when the city says it has had a budget of \$21-22 million each year. Wondered where that money is and why can't some of the extra be used for continuing the program. His feeling is that possibly the city should cut out plowing, salting or cut council jobs, feels this is a needed service.

Tom Hoven of E. 293<sup>rd</sup> declared he is very upset about the possibility of discontinuing leaf program. Stated he has gone door to door and passed out flyers and everyone he has spoken with is also upset about this possibility. Seems to make no sense. Stated he has 12 trees across the street from him, leaves are everywhere.

Lori (inaudible) of Cresthaven stated she is totally against discontinuing the leaf program, stated her age, that she works full-time and that she has many elderly neighbors, knows neither she nor her neighbors would be able to handle the amount of leaves that fall in their neighborhood without the help of others. Stated she was totally outraged when she heard they may stop picking up the leaves, further stated residents should cut down all the trees in their yard, hoped some one would fix equipment with the surplus city says they have in budget and let residents have the the three necessary machines.

Sam Santangelo of E. 293<sup>rd</sup> suggested that if the city were short on money, couldn't there be a levy placed on the ballot. Has lived in the city for many years and the residents have enjoyed this service, would like to see it remain.

### **Response:**

Ms.Moran responded to all by reiterating that this issue is being placed into Committee for discussion and will be addressed at the first May meeting, invited all to attend that meeting. Reminded all that the City is not trying to cut out a service, it is a question of what would be most cost effective for the city. The question arose when the budget was being prepared and discussed. It has never been said that no one is going to pick up leaves. Wanted to make sure all are aware of this.

**Reports of Standing Committees**

**Finance Committee** – No report.

**Safety Committee** - No report.

**Service, Utilities & Public Lands Committee** – No report.

**Streets, Sidewalks & Sewers** –No report.

**Tax Compliance Committee** – No report.

**Moral Claims Committee** – No report.

**Budget Committee** – No report.

**Sewer & Storm water Task Force**- No report.

**Fire Department Development Committee** - No report.

**City Development Committee** - No report.

**LIASON REPORTS**

Hearts and Hammers: Mr. Malta reported that the Murder-Mystery Night was very successful, there were more than 120 people in attendance, wanted to thank all involved. Full report to follow.

**FUND TRANSFERS & BID AUTHORIZATIONS**

None.

**CONTRACT APPROVALS**

None.

**INTRODUCTION & CONSIDERATION OF LEGISLATION**

Ordinance No. 2008-20 (Finance Director)	An Ordinance amending Section 155.06(A) of the Codified Ordinances of the City of Willowick, and declaring an emergency.
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Motion by Mr. Patton, seconded by Mr. Allan, to waive the rule requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Allan, to adopt Ordinance No. 2008-20. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-21      An Ordinance amending Ordinance No. 2008-14  
(Finance Director)      to provide for additional appropriations from the  
General Fund (101) for the calendar year ending  
December 31, 2008 and declaring an emergency.

Motion by Mr. Patton, seconded by Mr. Vanni, to waive the rule requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Vanni, to adopt Ordinance No. 2008-21.  
Discussion: None. Vote: All ayes. Motion carried.

Resolution No. 2008-10      A Resolution authorizing the advance of funds  
(Finance Director)      from the General Fund (101) to the Sewer Fund (205),  
and declaring an emergency.

Motion by Mr. Patton, seconded by Mr. Vanni, to waive the rule requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Vanni, to adopt Resolution No. 2008-10.  
Discussion: None. Vote: All ayes. Motion carried.

Resolution No. 2008-11      A Resolution in support of Building Ohio  
(Law Director)      Jobs and declaring an emergency.

Motion by Mr. Vanni, seconded by Mr. Allan, to waive the rule requiring three separate readings. Discussion: Mr. Patton asked if this were the initiative by the Governor for a loan. Ms. Moran stated it was. Vote: Ayes: Wells, Moran, Allan, Vanni and Malta. Nays: Mr. Patton. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Malta, to adopt Resolution No. 2008-11.  
Discussion: None. Vote: Ayes: Wells, Moran, Allan, Vanni and Malta. Nays: Mr. Patton.  
Motion carried.

### **MISCELLANEOUS**

Motion by Mr. Wells, seconded by Mr. Patton, to approve Purchase Order No. 33684 in the amount of \$4,240.00 to All State Glass Block Factory for sandblasting of Manry gymnasium exterior glass block. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Malta, seconded by Mr. Patton, to approve Purchase Order No. 33683 in the amount of \$22,687.66 to Bob Ross Buick for the purchase of a 2008 GMC Savanna Van for the Senior Center. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Allan, to approve Purchase Order No. 33491 in the amount of \$5,126.00 for lodging at the Hotel Hilton Indianapolis for FDIC attendees.

Discussion: Chief Posipanka explained that the city does not choose the hotel for lodging, there is a convention service they must sign up with and go through. You must register approximately one year in advance, choosing five hotel preferences; the Hilton was not on the list. Explained fees involved for changing or cancellations of reservations, noted this years cost is much higher than what the department paid last year for the same hotel and conference, does not feel this is going to be cost effective in the future. Further stated that the reservations are for 8 men from Willowick and 2 from another city to attend the conference. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Vanni, to approve Purchase Order No. 33492 in the amount of \$4,244.86 to MPC Gateway for the purchase of 1 Gateway E-2610 D and 2 Gateway Profile 6. Discussion: None. Vote: All ayes. Motion carried.

### **PUBLIC PARTICIPATION**

Dee Logan of Blissfield Dr. stated shopping at Shoregate has become dangerous due to the potholes and missing traffic lines. Ms. Logan read from notes beginning with elderly falling in the potholes, tires being flattened, ruined. Added she had called city hall to complain, was told the shopping center was being sold. Followed up with a call to Mr. Coreno of RMS Management who stated they still own the center, however no asphalt can be put down before April 7 due to the weather conditions. Voiced her concern and suggested perhaps temporary fill can be placed down. Asked for support of Council, the City and the business owners at Shoregate to pressure the owners to repair the potholes. Addressed the striping issue Mr. Coreno stated they restripe every year, Ms. Logan reminded Council it was not done last year. Would like to see orange cones or paint to alarm patrons of the potholes until repairs can be done properly.

Tom Hoven of E. 293<sup>rd</sup> Street addressed the issue of the intersection of 293<sup>rd</sup> and Lakeshore Blvd. stated there have been several near miss accidents at this intersection since street light has been removed, feels it is a dangerous intersection. Offered his opinion that putting in a drugstore in that area would have been a bad idea, and was pleased to find out there would not be one.

### **RESPONSE:**

Mr. Patton responded to Ms. Logan stating the city understands the problems at Shoregate and takes every issue seriously. Mayor Bonde spoke with manager at Giant Eagle and was told they are also in contact with Mr. Coreno and RMS Management regarding the parking lot. Further explained there was an agreement between Giant Eagle and RMS regarding how RMS would take care of the lot. The Mayor agreed with the pothole and striping issues and added the signage and lighting are also bad. Chief Lazor addressed Mr. Hoven regarding E. 293<sup>rd</sup> and Lakeshore stating they have done research on this area, there were 7 accidents last year, 6 the year before and 3 in 2005, which is not considered a high accident area. Two to three times that number would be considered high. The Chief does not dismiss the fact there may be near misses also, it can be a high-speed area, gave several other intersections on Lakeshore that are similar. Mr. Hoven asked if there were a possibility of placing a speed trailer in the area, Chief responded, he had placed additional patrol in the area. Mr. Malta asked about reducing the speed limit. Mr. O'Donnell reminded Mr. Malta the city would need state approval for this to be done. Law Director O'Donnell stated he would look into the speed limit change and get back with Mr. Malta.

**ADJOURNMENT**

Motion by Mr. Patton, seconded by Mr. Vanni, to adjourn. Discussion: None. Vote: All ayes.  
Motion carried.

Meeting adjourned at 8:55 p.m.

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**PRESIDENT OF COUNCIL**

**ATTEST:** \_\_\_\_\_  
**CLERK OF COUNCIL**