

**CITY OF WILLOWICK  
LAKE COUNTY, OHIO  
MINUTES AND PROCEEDINGS OF A REGULAR MEETING COUNCIL**

DATE: April 21, 2009  
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, Malta, Allan, Vanni, Hintz, Patton and Wells.

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

**Approval of Minutes**

Motion by Mr. Malta, seconded by Mr. Vanni, to approve the minutes of Regular Meeting of Council of April 7, 2009. Discussion: None. Vote: Ayes: Hintz, Moran, Allan, Vanni and Malta. Abstain: Mr. Wells and Mr. Patton Motion carried.

**Appointments, Special Resolutions & Proclamations**

Special Resolution (Mayor Bonde) A Special Resolution acknowledging and commending *Firefighter/Paramedic Larry Scherrer* on being recognized as the Willowick Fire Department's Firefighter of the Year for 2008.

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

Special Resolution (Mayor Bonde) A Special Resolution recognizing the successful completion of 15 years of service to the Willowick Fire Department and extending the appreciation of the Mayor and Council to *Cheryl Eiduke* on this occasion.

Special Resolution postponed to Council Meeting of May 5, 2009.

Special Resolution (Mayor Bonde) A Special Resolution recognizing and commending *Andrew Guarino* for his heroism

Motion by Mr. Malta, seconded by Mr. Patton, to approve Special Resolution. Discussion: Mayor Bonde will present Special Resolution to Andrew at Safety Day, May 1, 2009. Played 9-1-1 tape of emergency. Vote: All ayes. Motion carried.

## Administrative Appeals

Administrative Appeal  
Order No. 2009-1

An Order granting a variance and exception of 1' sideline for a new garage to replace existing garage in the same place in the application of Section 1171.01(e) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-273, Greg Prichard, 432 E. 330<sup>th</sup> Street.

Motion by Mr. Allan, seconded by Mr. Patton, to grant Administrative Appeal Order No. 2009-1.  
Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal  
Order No. 2009-2

An Order granting a variance and exception to allow two (2) storage containers to remain on the property in the application of Section 1171.01(g)(1) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-274, John Stebal/L-N-B TV, 32612 Vine Street.

Motion by Mr. Allan, seconded by Mr. Vanni, to grant Administrative Appeal Order No. 2009-2.  
Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal  
Order No. 2009-3

An Order granting a variance and exception of 160 sq. ft. to allow storage container #2 to remain on the property in the application of Section 1171.01(c) of the Codified Ordinances in Board in Zoning Appeals Case No. 21-274, John Stebal/L-N-B TV, 32612 Vine Street.

Motion by Mr. Allan, seconded by Mr. Patton, to grant Administrative Appeal Order No. 2009-3.  
Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal  
Order No. 2009-4

An Order granting a variance and exception to allow no concrete base to allow storage container #2 to remain on the property without a concrete base in the application of Section 1171.01(d)(3) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-274, John Stebal/L-N-B TV, 32612 Vine Street.

Motion by Mr. Allan, seconded by Mr. Vanni, to grant Administrative Appeal Order No. 2009-4.  
Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal  
Order No. 2009-5

An Order granting a variance and exception of 150 sq. feet for storage container #1 to remain on

the property in the application of Section 1171.01(c) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-274, John Stebal/L-N-B TV, 32612 Vine Street.

Motion by Mr. Allan, seconded by Mr.Vanni, to grant Administrative Appeal Order No. 2009-5.  
Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2009-6                      An Order granting a variance and exception to allow no concrete base to allow storage container #1 to remain on the property without a concrete base in the application of Section 1171.01(d)(3) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-274, John Stebal/L-N-B TV, 32612 Vine Street.

Motion by Mr. Allan, seconded by Mr. Patton, to grant Administrative Appeal Order No. 2009-6.  
Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2009-7                      An Order granting a variance and exception of 151.6 sq. ft. to allow the construction of a pavillion over a patio in the application of Section 1171.01(c) of the Codified Ordinances in Board of Zoning Appeals Case 21-275, Leonard Kesman, 395 E. 329<sup>th</sup> Street.

Motion by Mr. Allan, seconded by Mr. Vanni, to grant Administrative Appeal Order No. 2009-7.  
Discussion:None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2009-8                      An Order granting a variance and exception of 5' distance between dwellings to allow the construction of a pavillion over a patio in the application of Section 1171.01(e) of the Codified Ordinances in Board of Zoning Appeals Case 21-275, Leonard Kesman, 395 E. 329<sup>th</sup> Street.

Motion by Mr. Allan, seconded by Mr.Vanni, to grant Administrative Appeal Order No. 2009-8.  
Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2009-9                      An Order granting a variance and exception of 4' distance from the neighbor's garage to allow the construction of a pavillion over a patio in the

application of Section 1163.07 of the Codified Ordinances in Board of Zoning Appeal  
Case 21-275, Leonard Kesman, 395 E. 329<sup>th</sup> Street.

Motion by Mr. Allan, seconded by Mr. Hintz, to grant Administrative Appeal Order No. 2009-9.  
Discussion: None. Vote: All ayes. Motion carried.

\*Presentation by Laketrans representative Andy Altenweg regarding Shoregate Shopping Center Laketrans bus shelter. Mr. Altenweg provided Council with a view of the Laketrans bus stop as it is at this time, explained to Council that Laketrans would like to move the bus shelter approximately 80 yards to the west and add one additional shelter, several more benches and cart corrals. Further explained Laketrans would landscape the area and provide maintenance.

Discussion: Mr. Wells stated he understood there was a possibility of moving the location to the rear of Shoregate Shopping Center. Mr. Altenweg explained the decision was made to keep the Laketrans location in the current location due to the large number of senior citizens that use Laketrans and it would be the safest location for all. Ms. Moran placed this issue into the Streets, Sidewalks and Sewers Committee. Committee Chairperson Patton stated he would schedule a committee meeting to further discuss.

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

Mayor Bonde provided Council with a memo regarding the 2009 Road Program. Explained that Willowick Drive (from Vine Street to the Eastlake border), Forestgrove, E. 326<sup>th</sup>, Barjode, E. 291<sup>st</sup> Street, Blissfield and Thomas are currently on the list, however, Blissfield is an add-on, if bids come in lower than expected, it will be done this year. Mayor Bonde explained that while there are many streets in need of repair, the list was compiled to include streets from each ward throughout the city. The goal for the city is to make these repairs without having to borrow money. Reported that he has been meeting with the unions and Herbruck Alder to discuss healthcare, there will be an increase of 34-35%. The decision was made to join Medical Mutual-the Ohio plan. Finance Director Benedict will explain further. Explained that the estimate for the inheritance tax this year was \$25,000, the city has received \$232,000. for the first half. Sewer revenue is up and billing from Euclid is down. Met with the Health Department, placed article in Courier to discourage residents from feeding the birds, stray cats and dogs as it attracts rats. Health Department has been inspecting the city. City Guide is ready to go; the ads have been sold to make this possible for the city. Hoping guide will be ready by end of summer; Mayor hopes to make it available to all homeowners and in particular new and potential residents in the city. The drop-off bin at Shoregate was moved temporarily, when Pet Supplies Plus moves into their location, the bin would be removed from Shoregate.

### **Discussion of Mayor's Report:**

None.

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

**Service Director Joe Dominick** was not present but submitted written report.

**Discussion:** None.

**Recreation Director Julie Kless** reported the department began summer registration, to date there are 90 kids registered for camp and 150 children in the Learn to Swim Program, soccer begins this week and there are 405 children participating, which is the largest the city has had.

**Discussion:** None.

**City Engineer Craig Juday** reviewed traffic signalization program will meet further with ODOT. Reviewed and asked for approval of items on the agenda this evening. Hopes the outfall will be complete within the month, still working issues out with Army Corps.

**Discussion:** Some further discussion had on the outfall.

**Finance Director Cheryl Benedict** submitted written report, reviewed sewer fund, stated revenue is up \$111,000. from the same time last year and treatment costs are down \$134,000. Regarding medical and dental, the city will be switching carriers and the increase will be \$126,000 for the next year.

**Discussion:** None.

**Law Director John O'Donnell** no report, reviewed legislation on the agenda and provided memo to Council regarding Ordinance Numbers 2008-56, 2008-57, 2008-58 and the amendments submitted at the recommendation of the Planning Commission.

**Discussion:** None.

**Police Chief Michael Lazor** –Lt. Krocker present for Chief Lazor had no report this evening.

**Discussion:** Mr. Wells asked that Lt. Krocker thank the dispatcher that took the Guerino call and commend her for a job well done on behalf of Council.

**Fire Chief Robert Posipanka** –submitted written report, reviewed and asked for approval of Purchase Orders.

**Discussion:** None.

**Chief Building Inspector Joe Dominick** not present this evening, submitted written report.

**Discussion:** None.

### **WARD MATTERS**

Mr. Malta asked if something could be done on Maplewood. Mayor Bonde stated there is a possibility that the city could saw cut the area and replace with concrete. Mr. Dominick looked street over and feels his department can handle the repair.

### **PUBLIC PARTICIPATION**

Mr. Dwayne Hupp of Legend Trail read a statement he prepared voicing his disappointment that the city would discontinue the garbage pick up reimbursement and hoped Council would change their minds regarding this matter.

Matt Vanjo of Willowick Drive though not a condominium owner, supports their argument to continue with the reimbursement.

Theresa Bisbee of Bayridge Condominiums asked when the sidewalk would be repaired at Bayridge and the Marginal, asked about rat issues in the city.

Agnes Serrara of Winbury voiced her concern with the rodent issue and garbage is a sanitation issue and urged Council to reconsider their stand on the garbage reimbursement program. Reminded Council that Winbury has a catch basin and feels it should be addressed.

Betty Hadnuk stated she received a billing statement for an ambulance run. Stated she feels this is unfair to her and the insurance company.

**Response:**

Mayor Bonde responded to Ms. Bisbee explaining the sidewalk repair is the responsibility of the Lake County Water Department to complete the water main break job. Reviewed the rat issue by explaining the city pays the Health Department to take care of the rats. Stated the sewers have been baited down the main lines on Bayridge and some trunk lines down Lakeshore Blvd. There were virtually no rats last year due to the flooding the previous year. Addressed Mrs. Hadnuk about the Ordinance pertaining to billing, spoke to her at length one on one.

**Reports of Standing Committees**

**Finance Committee** – No report.

**Safety Committee** – No report.

**Service, Utilities & Public Lands Committee** – Meeting Tuesday, April 14, 2009 at 7:00 p.m. Mr. Allan explained the ordinance would be reviewed at the second meeting of June to allow the condominium associations to meet as one to discuss rolling their garbage pick up contracts into one company.

**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.

**LIAISON REPORTS**

Hearts and Hammers: Mr. Malta stated they would be meeting this Thursday at a home on Edgewood, invited Council to volunteer to clean up a residence  
Community Energy Awareness Committee next meeting Wednesday, April 22<sup>nd</sup> at 7:00 pm at City Hall and invited all to attend.

## **FUND TRANSFERS & BID AUTHORIZATIONS**

None.

## **CONTRACT APPROVALS**

Motion by Mr. Patton, seconded by Mr. Vanni, authorizing CT Consultants to prepare specifications, obtain bids, and provide construction contract administration and inspection services for the 2009 Road Program for an amount not to exceed \$65,000. Discussion: None.

Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Hintz, authorizing CT Consultants to prepare plans and specifications and obtain bids for the Thomas Street Sanitary Sewer Replacement Project for an amount not to exceed \$59,000. Discussion: Mr. Wells asked if it were possible to use information from previous projects on this project in an effort to save money. Mr. Juday explained the difficulties of the Thomas Street project. Vote: All ayes. Motion carried.

## **INTRODUCTION & CONSIDERATION OF LEGISLATION**

Ordinance No. 2008-56      An Ordinance amending Section 1147.13(f) of  
(as amended)              the Codified Ordinances of the City of Willowick.  
(Law Director)

Motion by Mr. Allan, seconded by Mr. Vanni, to approve Ordinance No. 2008-56 as amended. Discussion: Law Director O'Donnell explained Council referred this Ordinance to Planning Commission for review of the 6-story height limitation. Planning Commission recommendation is for 4 stories or 40' whichever is *less*. Planning Commission changed the language from 40' or greater to *40' or less*. Vote: Ayes: Hintz, Moran, Allan, Malta, Patton, Wells. Nays: Mr. Vanni.

Ordinance No. 2008-57      An Ordinance amending Section 1147.13(a) of the  
(as amended)              Codified Ordinances of the City of Willowick.  
(Law Director)

Motion by Mr. Patton, seconded by Mr. Allan, to approve Ordinance No. 2008-57 as amended. Discussion: Ordinance went to Planning Commission recommending a 4 acre development, Planning Commission recommends against change and should stay at 5 acre development area. Vote: All ayes. Motion carried.

Ordinance No. 2008-58      An Ordinance amending Section 1147.14(e) of the  
(as amended)              Codified Ordinances of the City of Willowick.  
(Law Director)

Motion by Mr. Allan, seconded by Mr. Hintz, to postpone Ordinance No. 2008-58, as amended. Discussion: Mr. O'Donnell explained recommendation of the Planning Commission, Council would like to postpone this ordinance, as amended at this time. Council may want to attend Planning Commission meeting to answer any outstanding questions. Vote: All ayes. No action taken at this time.

Ordinance No. 2009-11      An Ordinance repealing the authorization for the  
(Law Director)              Director of Finance to provide for the reimbursement to

Condominium Owners Associations those costs associated with the collection of trash, rubbish, and garbage and declaring an emergency.

**(4/9/09 vetoed by Mayor Bonde pursuant to Section 4.6 of the Willowick City Charter)**

Motion by Mr. Malta, seconded by Mr. Allan, to postpone Ordinance No. 2009-11. Discussion: Ordinance No. 2009-11 postponed to allow Condominium Associations to meet for discussion of seeking a garbage contract that will pick up trash at all condominiums in an attempt to save money. Council President Moran stated the residents will continue to receive there reimbursements from the city at least until this matter is resolved. The Ordinance will be reviewed the last meeting of June, possibly July. Vote: Ayes: Hintz, Moran, Allan, Vanni, Malta, Wells. Nays: Mr. Patton. Motion carried.

Ordinance No. 2009-16 (As Amended) (Finance Director) An Ordinance amending Ordinance 2009-4 to provide for additional appropriations from the General Fund (101), Street Improvement Levy Fund (213), Stormwater Management Capital Improvement Fund (420) for the calendar year ending December 31, 2009 and declaring an emergency.

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

Motion by Mr. Patton, seconded by Mr. Vanni, to adopt Ordinance No. 2009-16, as amended. Discussion: Finance Director Benedict explained the amendment to the Ordinance includes the approved engineering fees, which were presented after the original legislation had been submitted. Vote: All ayes. Motion carried.

Resolution No. 2009-7 (Law Director) A Resolution authorizing the Mayor to enter into an agreement with the Financial Network of America for the administration of an employee deferred compensation plan and declaring an emergency.

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

Motion by Mr. Patton, seconded by Mr. Malta, to adopt Resolution No. 2009-7. Discussion: Mr. Wells asked why the city is changing. Mayor Bonde and Finance Director Benedict explained this company has much more to offer. Law Director O'Donnell explained this gives the employees another option to look at. Vote: All ayes. Motion carried.

Resolution No. 2009- 8 (Law Director) A Resolution authorizing the advance of funds from the General Fund (101) to the Homeland Security Grant Fund (223) and declaring an emergency.

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

Motion by Mr. Patton, seconded by Mr. Malta, to adopt Resolution No. 2009-8. Discussion: Vote: All ayes. Motion carried.

### **MISCELLANEOUS**

Motion by Mr. Patton, seconded by Mr. Vanni, to approve Purchase Order No. 35122 to Atwell's in the amount of \$7,975.00 for the purchase of 5 tactical vests. Discussion: Mr. Wells asked if these were being purchased under state purchasing or if this could go out to bid and if this could be postponed until Chief Lazor was available. Finance Director Benedict explained the bid limit is \$25,000 therefore this does not need to go to bid. Lt. Krockner pointed out these are tactical vests for the SWAT team members and is a budgeted item. Mr. Patton called for a vote at this time. Vote: Ayes: Hintz, Moran, Allan, Vanni, Malta, Patton. Nays: Mr. Wells. Motion carried.

Motion by Mr. Patton, seconded by Mr. Vanni, to approve Purchase Order No. 34932 to Westnet, Inc. in the amount of \$12,244.17 for an initial payment of First-In Fire Station Alerting system. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Vanni, to approve Purchase Order No. 34933 to Sundance Systems, Inc. in the amount of \$24,785.00 for mobile communication systems software. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Vanni, to approve Purchase Order No. 34934 to Data Ltd. in the amount of \$20,110.40 for the purchase of mobile data terminal and accessories. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Vanni, authorizing CT Consultants to provide additional permitting, mitigation approval and construction engineering services on the E. 322<sup>nd</sup> Street Outfall Project for an amount not to exceed \$30,000. Discussion: None. Vote: All ayes. Motion carried.

### **PUBLIC PARTICIPATION**

Mr. Hupp of Legends Trail thanked Council for reconsidering the reimbursement program.

Matt Vanjo of Willowick Drive thanked the city for making some repairs on his street and in front of his house, but is displeased with the workmanship and discussed road problems along Willowick Drive including the area in front of his house, explained the curbs are cracked and crumbling, the sewer in front of his apron has sunken approximately 3", the expansion joints are in need of replacement. Further pointed out that all of the sewer covers are sinking.

### **RESPONSE:**

Mayor Bonde stated Service Director Dominick and City Engineer Juday looked at the street last year and found it was not in bad condition, he would however, have Mr. Dominick go back to the street for an inspection.

### **ADJOURNMENT**

Motion by Mr. Vanni, seconded by Mr. Hintz, to adjourn. Discussion: None. Vote: All ayes. Motion carried. Meeting adjourned at 8:55 pm.

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

\_\_\_\_\_  
PRESIDENT OF COUNCIL