

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

DATE: August 19, 2008
PLACE: City Hall
TIME: 7:30 p.m.

The fifteenth 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, Patton, Malta, Wells and Hintz.

ALSO PRESENT: Mayor Richard Bonde, Law Director O'Donnell, Finance Director Benedict, City Engineer Juday, Lt. Krockner for Police Chief Lazor, Asst. Fire Chief Rupena for Fire Chief Posipanka, Building and Service Director Dominick and Council Clerk Russo.

Council President Moran stated Law Director O'Donnell has requested an Executive Session for discussion of litigation and personnel.

Approval of Minutes

Motion by Mr. Patton, seconded by Mr. Malta, to approve the minutes of Regular Meeting of Council of July 15, 2008. Discussion: None. Vote: All ayes. Motion carried.

Appointments, Special Resolutions & Proclamations

None.

Administrative Appeals

Administrative Appeal Order No. 2008-13	An Order granting a variance and exception to 40' of double fencing with 3' between fences for maintenance in the application of Section 1165.06 of the Codified Ordinances in Board of Zoning Appeals Case 21-263, Richard Wisniski 29600 Sylvan Drive.
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Motion by Mr. Hintz, seconded by Mr. Patton, to grant Administrative Appeal Order No. 2008-13. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2008-14	An Order granting a variance and exception to allow the construction of a 23' of 6' board on board fencing toward the front of the house in the side yard in the application of Section 1165.08(b) of the Codified Ordinances in Board of Zoning Appeals Case 21-262, Natividad Ocana, 32703 Lakeshore Blvd.
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Administrative Appeal Order No. 2008-14 postponed and referred to Board of Zoning Appeals.

Reports & Communications from the Mayor/Safety Director

Mayor Bonde requested a council member serve as a representative on the Commercial Renovation Committee. The Committee is also comprised of one member from Planning Commission and Board of Zoning Appeals, Joe Dominick and the Mayor. The committee will meet to discuss how to administer the SDBG grant, would like to begin working on projects. Asking for Council approval of up to a \$7,500. and establish a line item for the project as administrative costs. Reported the city received a very good report from Ciuni and Panichi, congratulated Finance Director Benedict for another successful audit, only two minor points were cited. Mayor Bonde reported he has been in contact with the Water Dept. regarding E. 322nd Street, the city will no longer provide barricades to the Lake County Water Department for projects. There have been ongoing issues with this project that the Water Department is responsible for any outstanding problems. Reminded Council Willowick Night at the Captains game is August 21 and the Welcomefest is Sunday, August 24. Reviewed the success of all summer programs, including the circus, family night and the water show. Mayor reviewed ordinance on the agenda pertaining to swimming pools stating there is an increasing problem with homes going into foreclosure with pools that are not being maintained and are a danger to children. Bids for Barjode were received and rejected as they all came in more than 10% above the estimated cost of the job. Hoped the job could be bundled with another upcoming project.

Discussion of Mayor's Report:

Ms. Moran volunteered to serve on the Renovation Committee.

Motion by Mr. Vanni, seconded by Mr. Patton, to place \$7,500. line item for administrative costs relative to newly created consultant services for storefront renovations. Discussion: None.

Vote: All ayes. Motion carried.

General Communications & Reports – Directors & Officials

Service Director Joe Dominick submitted written report, asked for approval to prepare specs and go out to bid for road salt. Stated the Royalview project is 33 days ahead of schedule with a very small punch list.

Discussion: Mayor Bonde stated Mr. Dominick should get in contact with the Willoughby-Eastlake Transportation Director. Mr. Dominick responded he had already spoken with her. Mayor further requested several Police Officers be present on the first day of school to assist in traffic flow.

Recreation Director Julie Kless was not present, submitted written report.

Discussion: None.

City Engineer Craig Juday did not have a report, reviewed several items. Submitted application for funding to public works, reviewed several proposed projects in the city and where they may fall for funding. Will report further when more information is received, recommended the city hold off on advertising the Glen Arden project to a later time. Bids are being received this Friday, August 22, 2008 for the Outfall. Still waiting for word on funding from the County Engineer.

Discussion: Mr. Vanni asked for more information on Glen Arden. Mr. Juday responded it is his recommendation not to proceed this year with the project, final decision is up to the city but

that would be his recommendation. Mr. Hintz stated his disappointment with the Barjode project. Mr. Juday gave several options to get these projects completed. Ms. Moran asked Mr. Dominick if anyone had been down to the outfall to clean it out, Mr. Dominick responded not yet this month. Ms. Moran asked Mr. Juday if he was aware of the problem with the Lake County Engineers office. Stated he did not, perhaps internal communications.

Finance Director Cheryl Benedict did not have formal report.

Discussion: Mr. Wells questioned the income tax intake, feels the city is not receiving what it is due and asked what could be done to ensure the city does receive all monies due. Mayor and Finance Director Benedict explained the means the city uses to ensure it is paid. Ms. Moran explained when the Vine Street project was active; she personally went to each contractor to make sure each was registered with the city, to do so now would be a full time position for someone. The city has in place a method to ensure contractors are registered and paying their taxes.

Law Director John O'Donnell reviewed Ordinance not on the agenda this evening pertaining to swimming pools and foreclosed homes.

Discussion: None.

Police Chief Michael Lazor - Lt. Krocker present this evening, monthly report filed

Discussion: Mr. Malta stated he has received call about speeders on Fairway from E. 305th to High Tee. Mr. Hintz also reported he has received calls about speeders on Thomas. Both requested assistance in looking into this matter.

Fire Chief Robert Posipanka – Asst. Fire Chief Rupena had no report this evening.

Discussion: None.

Chief Building Inspector Joe Dominick no report, asked for Council support regarding the swimming pool ordinance.

Discussion: Mr. Malta asked if Mr. Dominick could look in to yellow stakes placed on E. 294th Street.

WARD MATTERS

Mr. Malta provided copies of reports from the General Health District to those council members that requested them.

Ms. Moran thanked the Fire and Police Departments as well as Todd and Frank from the Service Department for the assistance when she was involved in a recent accident.

PUBLIC PARTICIPATION

Mrs. Baker of E. 316th Street questioned a vacant home on E. 316th Street and North Road as it is becoming an eyesore.

Theresa Gerdino asked if she had missed the outcome of the pet ordinance.

Eric Warren of 494 E. 314th appeared on behalf of his mother regarding the pet ordinance. His mother is the subject of the ordinance, stated it was never her intention to be a burden to her neighbors and she feels very badly that the problem has gotten this out of control. Mr. Warren thanked the Fire Department for their assistance with the home during the fire. Understands this has gotten out of control. Offered to provide documentation of reports and stated she is trying her best to find homes for many of her pets.

Matt Vanjo is in support of the ordinance, feels the ordinance should remain at 3 cats or dogs only. Lives across the street from the home in question and hopes the city would support this ordinance.

Response:

Ms. Moran addressed Mr. Warren in that she believes his mother is doing her best to comply and that she realizes the situation has gotten out of control. Offered her assistance with anything she may be able to do for them. Also addressed Mr. Vanjo in that she understands the problem it causes him being close to the home.

Reports of Standing Committees

Finance Committee – No report.

Safety Committee – Committee met August 12, 2008; all that attended were given the opportunity to voice their opinions and concerns. It is the recommendation of the committee to amend current legislation to 6 cats or dogs total, any combination.

Motion by Mr. Wells, seconded by Mr. Allan to amend ordinance to 6 cats or dogs total, any combination. Discussion: Mayor voiced his concern that 6 total dogs or cats are too many for most homes in the city. Mr. Hintz is concerned that the city is legislating what people do in their homes; some people have one or two dogs that are not being cared for. Mr. Allan explained the committee discussed the issue in detail, also reviewed several pieces of legislation the city has in place pertaining to length grass, weeds, etc. Ms. Moran stressed the city is not going to look through windows or in yards, that this is a complaint based ordinance and is a guideline. Mayor Bonde further stated the city would enforce the ordinance when brought to the city's attention, the homeowner always has the option to go the Board of Zoning Appeals and to Council. Law Director explained the process in that a complaint would be received, the building department would make a visit to the home to speak with the homeowner.

Ms. Moran opened the floor for public opinion at this point.

Theresa Gerdino stated she feels that the situation in question is out of control, however, the average homeowner does not have these problems and there are many agencies that can be contacted at any time for assistance. Ms. Moran stressed this is a guideline and stated the city also has an ordinance pertaining to the length of grass, legislation is on the agenda this evening pertaining to just that.

Matt Vanjo invited Council to sit in his driveway and witness the number of cats escaping the garage and crossing the street any evening. Mr. Hintz did visit the home and agrees the smell does come across to Mr. Vanjo's property.

Mr. Warren agrees that his mother does have a problem and stressed that she is handling it the best she can.

Ms. Moran again offered her assistance, as did Mayor Bonde. Mayor Bonde stated he would meet with Mr. Dominick and try to help them rid the home of the excess pets. Assured them the city would help as much as possible.

After lengthy discussion, the motion is amended to 5 cats or dogs total, any combination. Vote: All ayes. Motion carried.

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 provided Council with a list of projects, asked for any council volunteers. The committee meets on Tuesdays with a rain day of Thursday from 6 p.m. to 9 p.m. Mayor added he would like to visit North High School juniors and seniors and offer them the opportunity to volunteer while supervised by an adult and earn service hours. Reviewed several homes that the students could help with.

FUND TRANSFERS & BID AUTHORIZATIONS

Motion by Mr. Patton, seconded by Mr. Allan, to authorize the Service Director to prepare bid specifications and advertise for bids for road salt for the remainder of 2008 and for 2009.

Discussion: Mr. Wells stated he had inquired about this several meetings ago, the concern was that the cost of road salt would sky rocket, as it has. Mayor Bonde stated and Mrs. Benedict confirmed the contract with the current company is valid until October. Mrs. Benedict stated she would read the contract over during this week to verify the cost to the city. Vote: All ayes.

Motion carried.

CONTRACT APPROVALS

None.

Motion by Mr. Patton, seconded by Mr. Hintz, to adopt Resolution No. 2008-15.
Discussion: None. Vote: All ayes. Motion carried.

Resolution No. 2008-16 A Resolution determining the video service
(Law Director) provider fee to be paid by any person offering
 video service in the City of Willowick pursuant
 to a state issued video service authorization and
 authorizing the Mayor to give notice of the fee
 to the video service provider and declaring an
 emergency.

Motion by Mr. Patton, seconded by Mr. Malta, 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. 2008-16.
Discussion: None. Vote: All ayes. Motion carried.

MISCELLANEOUS

Motion by Mr. Patton, seconded by Mr. Allan, to approve Purchase Order No. 33930 to City of Willoughby in the amount of \$18,303.00 for shared Court allocations. Discussion: Mr. Allan voiced his frustration with outstanding building department issues and the Court.
Vote: Ayes: Patton, Wells, Hintz, Moran, Vanni, Malta. Nays: Mr. Allan. Motion carried.

Motion by Mr. Malta, seconded by Mr. Patton, authorizing the transfer of \$400.00 in appropriated funds from account #101-711-5521 (Office Supplies) to account #101-303-5480 (Circus). **(7/30/08 approved by telephone poll of Council)** Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Allan, seconded by Mr. Vanni to release retainage in the amount of \$60,000. to DiGioia-Suburban, LLC for the Shoreland Crossings Development Project. Discussion: Law Director O'Donnell stated this is a release of only a portion of the total retainage. Vote: All ayes. Motion carried.

Motion by Mr. Allan, seconded by Mr. Hintz to approve the recommendation of the Planning Commission for an AT&T cabinet located at 30525 Lakeshore Blvd. Discussion: None.
Vote: Ayes: Patton, Hintz, Moran, Allan, Vanni, Malta. Nays: Mr. Wells. Motion carried.

PUBLIC PARTICIPATION

Theresa Gerdino asked if the city knew what was happening to the former Kentucky Fried Chicken building and the Lake Hospital Systems old building.

Response:

Mayor Bonde responded that both buildings are currently for sale. He does not know of any interested buyers at this time.

Mr. Malta thanked Mr. Dominick for his assistance and also thanked Mr. Albert for the phone call. Also thanked the Service Department.

ADJOURNMENT

Motion by Mr. Vanni, seconded by Mr. Patton, to adjourn to Executive Session.

Discussion: None. Vote: All ayes. Motion carried.

Meeting adjourned at 8:50 p.m.

Motion by Mr. Vanni, seconded by Mr. Patton to return to Regular Meeting of Council.

Discussion: None. Vote: All ayes. Motion carried,

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

Motion carried.

Meeting adjourned at 9:20 p.m.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL