

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

DATE: December 16, 2008
PLACE: City Hall
TIME: 7:30 p.m.

The twenty-second 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, Wells and Hintz.
Absent: Mr. Patton

ALSO PRESENT: Mayor Richard Bonde, Law Director O'Donnell, Finance Director Benedict, City Engineer Juday, Police Chief Lazor, Fire Chief Posipanka, Building and Service Director Dominick 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 December 2, 2008. Discussion: None. Vote: All ayes. Motion carried.

Appointments, Special Resolutions & Proclamations

Special Resolution (Mayor Bonde)	A Special Resolution recognizing the successful completion of 20 years of service to the Willowick Fire Department and extending the appreciation of the Mayor and Council to <i>William Malovrh, Jr.</i> on this occasion.
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Motion by Mr. Wells seconded by Mr. Vanni, to approve Special Resolution. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Wells, seconded by Mr. Hintz, to reappoint Phil Yarletts to the Board of Zoning Appeals for a three-year term ending December 31, 2011. Discussion: None. Vote: All ayes. Motion carried.

Oath of Office administered by Mayor Bonde to Phil Yarletts.

Motion by Mr. Malta, seconded by Mr. Vanni, to reappoint Gary Petrof to the Planning Commission for a three-year term ending December 31, 2011. Discussion: None. Vote: All ayes. Motion carried.

Oath of Office administered by Mayor Bonde to Gary Petrof.

Motion by Mr. Malta, seconded by Mr. Wells, to reappoint Vitas Cyvas to the Planning Commission for a three-year term ending December 31, 2011. Discussion: Mr. Cyvas was not present this evening. Vote: All ayes. Motion carried.

Motion by Mr. Wells, seconded by Mr. Malta, to reappoint Bob Reho to the Planning Commission for a three-year term ending December 31, 2011. Discussion: Mr. Reho was not present this evening. Vote: All ayes. Motion carried.

Administrative Appeals

Administrative Appeal Order No. 2008-23 An Order granting a variance and exception of 216 sq. ft. for a garage addition in the application of Section 1337.01(c)(5)(B) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-269, Carl Wasickanin, 631 E. 315th Street.

Motion by Mr. Allan, seconded by Mr. Vanni to approve Administrative Appeal Order No. 2008-23. Discussion: Neighbor Ms. Dobre was present, voiced her concern with the addition, does not want him woodworking and restoring antique cars in the garage and the emissions it might let off, as her son has severe asthma and his bedroom faces Mr. Wasickanin's garage. Further added she must leave her air conditioning on at all times added Mr. Wasickanin lives in the home by himself. George Wasickanin, brother of Carl of 3588 Abbotts Mill, Willoughby stated that he is aware that Mr. Dobre also works on vehicles in his garage. Mr. Wasickanin was present this evening, explained his plans for the garage addition. Mr. Wasickanin stated he would like to store his belongings at his home as well as a classic car that is being stored with a friend. Offered explanation of ongoing neighbor issues between the two families. Provided pictures of the yards, fencing and offered drawings of the addition. Ms. Moran informed Mr. Wasickanin that should there be branches hanging onto his property from the neighbor, he is permitted to trim them back. Mr. Wells stated he has talked with Ms. Dobre and wanted to remind Council that the Board of Zoning Appeals does research the appeals before they make a recommendation to Council. Mr. Hintz asked additional questions of Ms. Dobre. She stressed her son has severe asthma and she is concerned with his bedroom facing Mr. Wasickanin's garage additional fumes will be in the air possibly causing further problems for him. Mr. Wasickanin approached Council to explain the plans to them. Vote: Ayes: Wells, Hintz, Allan and Malta. Nays: (Ms. Moran prefaced her vote with the statement that she does not feel Willowick is a suitable place for oversized garages, Mr. Vanni concurred with this opinion.) Moran and Vanni. Motion carried.

Administrative Appeal Order No. 2008-24 An Order granting a variance and exception of 264 sq. ft. for a tool shed in the application of Section 1171.01(c) of the Codified Ordinances in Board of Zoning Appeals Case No.21-271, Erieside Church 221 E. 320th Street.

Motion by Mr. Hintz, seconded by Mr. Vanni to approve Administrative Appeal Order No. 2008-24. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2008-25 An Order granting a variance and exception of 9'3" height for a tool shed in the application of Section 1171.01(c) of the Codified Ordinances in Board of Zoning Appeals Case No.21-271, Erieside Church, 221 E. 320th Street.

Motion by Mr. Allan, seconded by Mr. Hintz, to approve Administrative Appeal Order No. 2008-25. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2008-26 An Order granting a variance and exception of to allow the construction of a tool shed with no dwelling on the lot in the application of Section 1171.01(G)(2) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-271, Erieside Church, 221 E. 320th Street.

Motion by Mr. Hintz, seconded by Mr. Vanni to approve Administrative Appeal Order No. 2008-26. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2008-27 An Order granting a variance and exception of to allow the construction of a tool shed with no footer in the application of Section 1171.01(D)(2) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-271, Erieside Church, 221 E. 320th Street.

Motion by Mr. Vanni, seconded by Mr. Malta to approve Administrative Appeal Order No. 2008-27. Discussion: Mr. Wells asked Mr. Dominick to explain his opinion on this appeal. Mr. Dominick stated he originally thought it would be suitable to set the shed on the lot without a footer, however, after further thought, the shed will settle over time causing it to come out of plumb. He spoke with a representative from the church who stated they have no problem placing the shed on footers in the spring. Mr. Hirbscorn is a Deacon from Erieside Church and reiterated what Mr. Dominick spoke of. They will comply with the footers for the shed in the spring. Law Director O'Donnell offered his opinion on this matter. Vote: All nays. Motion failed.

Administrative Appeal Order No. 2008-28 An Order granting a variance and exception of to allow temporary marketing and sales signs for the subdivision of Lakeshore Blvd. with the stipulation that they return each year for a renewal of the variance in the application of Section 1349.07(c)(2) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-272, Shoreland Crossings, corner of Lakeshore Blvd. and E. 293rd Street.

Motion by Mr. Hintz, seconded by Mr. Malta to approve Administrative Appeal Order No. 2008-28. Discussion: None. Vote: All ayes. Motion carried.

Reports & Communications from the Mayor/Safety Director

Mayor Bonde stated they are still working on the budget; Finance Committee meeting was held. The Mayor discussed water consumption and revenue in the city. Explained the two choices the city has would first be to raise the city water rates or to transfer money from the General Fund. Mayor voiced his concern with the increase of vacant homes that are not necessarily in foreclosure, they have not sold, pointed out this is an area where water consumption is not being used. Reviewed several ordinances on the agenda pertaining to zoning and used car lots throughout the city, though at this time there are not any, the city would like to avoid issues in the future.

Discussion of Mayor's Report:

Mr. Wells questioned whether all the water passing through the water lines under Lakeshore Blvd. might be causing some of the issues with the city. Warned against major problems should this not be dealt with in the near future.

General Communications & Reports – Directors & Officials

Service Director Joe Dominick submitted written report.

Discussion: None.

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

Discussion: None.

City Engineer Craig Juday no written report, reviewed several items he is currently working with the Mayor and Finance Director Benedict. Reported the outfall continues to move along smoothly.

Discussion: Mr. Malta pointed out standing water at a home on High Tee, asked if he knew the number of properties throughout the city with the same issues. Mr. Juday responded he is not aware of how many properties there are without doing a study.

Finance Director Cheryl Benedict submitted written report, will explain items on the agenda as they come up.

Discussion: None.

Law Director John O'Donnell reviewed ordinances on the agenda this evening, adding there will be an additional ordinance on as well.

Discussion: None.

Police Chief Michael Lazor – monthly report filed.

Discussion: Mr. Wells received a complaint regarding unlicensed vehicles at an auto repair shop; upon walking through the lot, he noticed several.

Fire Chief Robert Posipanka –submitted written report.

Discussion: None.

Chief Building Inspector Joe Dominick no written report, added that the city is due to have dye testing throughout the city in 2010, asked Law Director if the city would be able to request early testing in light of the problems the city seems to be experiencing.

Discussion: Law Director O'Donnell Council could pass legislation stating testing should be done every nine years as opposed to the current ten years.

WARD MATTERS

None.

PUBLIC PARTICIPATION

None.

Reports of Standing Committees

Finance Committee – Meeting held, formal minutes to be submitted.

Safety Committee – No report.

Service, Utilities & Public Lands Committee – No report.

Streets, Sidewalks & Sewers – No report.

Tax Compliance Committee – No report.

Moral Claims Committee – Committee met this evening. It is the recommendation of the committee that the moral claim be denied.

Motion by Mr. Vanni, seconded by Ms. Moran, to deny Moral Claim in the amount of \$129.48.
Discussion: None. Vote: Ayes: Wells, Hintz, Moran, Allan, Vanni. Abstain: Mr. Malta.
Motion carried

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 thanked Scout Troop 481 for all their hardwork with the leaf pick up. Noted how hard they worked to make sure all homes in need of raking was done.

Volunteer Fire Department Dependency Board: Board met this evening.

FUND TRANSFERS & BID AUTHORIZATIONS

None.

CONTRACT APPROVALS

None.

INTRODUCTION & CONSIDERATION OF LEGISLATION

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

Ordinance No. 2008-56 was placed on first reading and referred to the Planning Commission for further review and consideration. Remains with the Planning Commission, no action taken.

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

Ordinance No. 2008-57 was placed on first reading and referred to the Planning Commission for further review and consideration. Remains with the Planning Commission, no action taken.

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

Ordinance No. 2008-58 was placed on first reading and referred to the Planning Commission for further review and consideration. Remains with the Planning Commission, no action taken.

Ordinance No. 2008-59 An Ordinance amending Section 1159.05 of the
(Law Director) Codified Ordinances of the City of Willowick and
 declaring an emergency.

Ordinance No. 2008-59 was placed on first reading and referred to the Planning Commission for further review and consideration.

Ordinance No. 2008-60 An Ordinance amending Section 1151.01 of the
(Law Director) Codified Ordinances of the City of Willowick and
 declaring an emergency.

Ordinance No. 2008-60 was placed on first reading and referred to the Planning Commission for further review and consideration.

Ordinance No. 2008-61 An Ordinance amending Section 1365.01 of the
(Law Director) Codified Ordinances of the City of Willowick and
 declaring an emergency.

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

Motion by Mr. Vanni, seconded by Mr. Hintz, to adopt Ordinance No. 2008-61.
Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-62 An Ordinance amending Ordinance No. 2008-14 to
(Finance Director) provide for additional appropriations from the
 General Fund (101), Street Construction,
 Maintenance & Repair Fund (202), Street Lighting
 Fund (204), Sewer Revenue Fund (205), Police &
 Fire Capital Improvement Fund (207), Emergency
 Rescue Fund (208), Sewer Lateral Levy Fund (211),
 Street Improvement Levy Fund (213), Permissive
 License Fee (215), DUI Education and Enforcement (217),

Senior Citizens Center Fund (220), Housing Rehabilitation Fund (250), N. Lakeshore Blvd. & Glen Arden Sewer Fund (415), Stormwater Management Capital Improvement Fund (420), Sanitary Sewer Improvement Fund (422) and Security Deposits (802) for the calendar year ending December 31, 2008 and declaring an emergency.

Motion by Mr. Vanni, seconded by Mr. Hintz, to waive the three-day rule. Discussion: None. Vote: All ayes. Motion carried.

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

Motion by Mr. Vanni, seconded by Mr. Malta, to adopt Ordinance No. 2008-62. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-63 (Law Director)	An Ordinance amending Section 1155.01 of the Codified Ordinances of the City of Willowick and declaring an emergency.
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Motion by Mr. Vanni, seconded by Mr. Malta, to waive the three-day rule. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-63 was placed on first reading and referred to the Planning Commission for further review and consideration.

Resolution No. 2008-23 (Finance Director)	A Resolution authorizing the return of funds from the Stormwater Management Capital Improvement Fund to the General Fund and declaring an emergency.
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Motion by Mr. Vanni, seconded by Mr. Malta, to waive the rule requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Hintz, to adopt Resolution No. 2008-23. Discussion: None. Vote: All ayes. Motion carried.

Resolution No. 2008-24 (Finance Director)	A Resolution authorizing the return of funds from the Stormwater Management Capital Improvement Fund to the General Fund and declaring an emergency.
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Motion by Mr. Malta, seconded by Mr. Vanni, to waive the rule requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Malta, to adopt Resolution No. 2008-24. Discussion: None. Vote: All ayes. Motion carried.

Resolution No. 2008-25 A Resolution authorizing the return of funds from
(Finance Director) the Stormwater Management Capital Improvement
Fund to the General Fund 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. Malta, to adopt Resolution No. 2008-25.
Discussion: None. Vote: All ayes. Motion carried.

Resolution No. 2008-26 A Resolution supporting NOPEC's recommendations in the First
(Law Director) Energy Electric Security Plan to eliminate the one cent per
kilowatt-hour minimum default service rider for NOPEC
customers.

Motion by Mr. Vanni, seconded by Mr. Hintz, to waive the three-day rule. Discussion: None.
Vote: All ayes. Motion carried.

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

Motion by Mr. Vanni, seconded by Mr. Malta, to adopt Resolution No. 2008-26.
Discussion: None. Vote: All ayes. Motion carried.

MISCELLANEOUS

Motion by Mr. Vanni, seconded by Mr. Patton, a authorizing the expenditure of \$87,040 to Wichert Insurance Agency for the 2010 property and liability premium. Discussion: Finance Director Benedict stated motion should read "for the **2009** property and liability premium." Vote: All ayes as corrected. Motion carried.

PUBLIC PARTICIPATION

None.

ADJOURNMENT

Motion by Mr. Allan, seconded by Mr. Vanni, to adjourn. Discussion: None. Vote: All ayes. Motion carried. Meeting adjourned at 8:26 pm.

ATTEST: _____
CLERK OF COUNCIL

PRESIDENT OF COUNCIL