

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

DATE: December 2, 2008
PLACE: City Hall
TIME: 7:30 p.m.

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

Council President Moran stated there would be an Executive Session this evening for discussion of potential litigation.

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, Recreation Director Kless, Police Chief Lazor, Mark Slavic present for Fire Chief Posipanka, Building and Service Director Dominick and Council Clerk Russo.

Approval of Minutes

Motion by Mr. Patton, seconded by Mr. Malta, to approve the minutes of Regular Meeting of Council of November 18, 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 *William Malovhr, Jr.* on this occasion.

Special Resolution postponed to Council Meeting of December 16, 2008

Special Resolution (Councilman Malta) A Special Resolution congratulating *Julianne O'Donnell* on her many accomplishments.

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

Special Resolution (Mayor Bonde) A Special Resolution recognizing *The Lake County Chapter of Compassionate Friends.*

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

Administrative Appeals

Administrative Appeal Order No. 2008-20 An Order granting a variance and exception of 74' west sideline in application of Section 1147.14(e) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-259, Senior Mid-Rise Building, 30803 Lakeshore Blvd.

Administrative Appeal Order No. 2008-20 remains postponed.

Administrative Appeal Order No. 2008-21 An Order granting a variance and exception of 84.7' east sideline in application of Section 1147.14(e) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-259, Senior Mid-Rise Building, 30803 Lakeshore Blvd.

Administrative Appeal Order No. 2008-21 remains postponed.

Administrative Appeal Order No. 2008-22 An Order granting a variance and exception of 1.078 acreage in application of Section 1147.13(a) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-259, Senior Mid-Rise Building, 30803 Lakeshore Blvd.

Administrative Appeal Order No. 2008-22 remains postponed.

Reports & Communications from the Mayor/Safety Director

Mayor Bonde received a letter from the County regarding billing of Stormwater Management starting they would be raising price by .50 cents per home per month which would cost the city an additional \$11,000. The Mayor discussed several options the city has in dealing with the increase. There was a Mayors and Managers meeting and further discussion had on this issue, a letter was sent to commissioners stating they are fine with Phase I however, until funding is in place not to begin Phase II. The Mayor met with Bo Knez and Carol Nagle at Shoreland Crossings, feels meeting went well. They are looking at ways to market the community, stated home values have decreased in the city but is the lowest decrease in the County. Asked for assistance from Mr. Wells and Mr. Vanni since both are involved in real estate. Governor held a press conference and reported the state has a 7 million dollar debt over 2 years, looking for bailout assistance. The city receives money from the state each year and there is concern over the cuts that will be made and what effect it may have on the city. Reminded council that city is better off than most in the area due to the reliability on property tax not income tax.

Discussion of Mayor's Report:

Mr. Wells stated his concerns but was inaudible on tape. Mayor Bonde discussed several homes that are in foreclosure appraising for less than \$80,000. Asked Mr. Wells for any input on this. Mr. Vanni stated the city must keep up on rental inspections, a majority of his calls come from residents complaining about rental property.

General Communications & Reports – Directors & Officials

Service Director Joe Dominick did not have a written report, added the department is on schedule with leaf pick up and will continue to pick up loose leaves left on tree lawns, weather permitting. If anyone has their leaves bagged, is requesting they empty those onto the tree lawn, department will only be picking up loose leaves.

Discussion: Mr. Patton asked if there were any updates on the vacant rental home on E. 294th Street, he believes the homes gas has been turned off and asked if this were subject to a housing inspection. Mr. Malta inquired about a home on Edgewood that has numerous cars on the property. Mr. Dominick stated he is aware of both situations, currently there is nothing the Building Department can do with regard to the vacant rental property and the home with the vehicles.

Recreation Director Julie Kless submitted and reviewed written report.

Discussion: Mr. Malta inquired on the basketball clinic attendance. Ms. Kless stated there were approximately 30 participants in each group.

City Engineer Craig Juday no written report, reviewed progress on the outfall. He is very pleased at the progress of the project and the contractor. They are in the process of installing and backfilling. Reviewed motion on agenda pertaining to the Thomas Street Project.

Discussion: Mr. Allan asked if the dirt would need to be replaced and if there would be a change order pertaining to such. Mr. Juday responded all the dirt did need to be replaced, explained the work that was done and that there would be a change order, however, at this time with the project going well, an actual figure could not be presented.

Finance Director Cheryl Benedict submitted written report.

Discussion: None.

Law Director John O'Donnell stated as of now, the city only inspects single-family non-owner occupied homes, there will be legislation pertaining to condominiums at the next meeting. Briefly discussed the vacant home mentioned earlier in the meeting, perhaps council should consider revising legislation pertaining to inspections.

Discussion: Mr. Wells asked for clarification of vacant homes, Mr. O'Donnell stated any vacant home however; it could be changed to just rental. Mr. Vanni asked if the current legislation for rentals applies only to the inspection of single-family non-owner occupied housing. Mr. O'Donnell stated that is correct and at this time does not include condominiums or apartments, nor does it address vacant rental houses. Advised perhaps Council may want to consider legislation to include vacant rental homes.

Police Chief Michael Lazor – monthly report filed, reviewed Purchase Order on agenda this evening, asked for approval.

Discussion: None.

Fire Chief Robert Posipanka –Mark Slavic present for Chief Posipanka, submitted written report, explained Purchase orders on the agenda this evening and asked for approval.

Discussion: None.

Chief Building Inspector Joe Dominick submitted written report.

Discussion: None.

WARD MATTERS

Mr. Wells stated since Route 2 is near completion, there are still areas that are dangerous, there seem to be water drainage issues and the bridge seems to be leaking onto E. 305. Asked what can be done. Mr. Hintz inquired about the deep dip in North Marginal as you are coming off E. 305th. Mr. Dominick stated he is aware of the issues on Rt. 2 and that he has had opportunity to speak with the supervisor regarding the bridge leak. The supervisor stated he would need to discuss leak with the city engineer. Addressed Mr. Hintz that they are aware of the problem on North Marginal and the feeling is that there would need to be a catch basin placed. Mr. Wells asked if the Water Dept. would be repairing the sidewalk on Bayridge. Mr. Dominick will make call to the Water Department to check the status.

PUBLIC PARTICIPATION

Raymond Talicki of 185th Street, Cleveland stated he is unhappy with the Larimar being a gated community. He often hikes along the lake and with this new development there is not access and it is not permissible. Feels the homes are out of place for this city. Further stated he is not pleased with Shoreland Crossings fencing around the development.

Response:

Mayor Bonde responded stating the fencing around Shoreland Crossings is to provide privacy for the residents on Lakeshore Blvd. and near the Shoregate Shopping Ctr. Explained that Larimar is private property and the city cannot force the developer to take the gates down. Stated these new developments are bringing much needed revenue to the city.

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.

LIAISON REPORTS

Hearts and Hammers: Committee, volunteers and the boy scouts spent Saturday, November 22, 2008 raking leaves for the elderly. Further added if anyone knows of a senior that needs leaf raking, please email him at the city.

FUND TRANSFERS & BID AUTHORIZATIONS

None.

CONTRACT APPROVALS

None.

INTRODUCTION & CONSIDERATION OF LEGISLATION

Ordinance No. 2008- 55 An Ordinance to make appropriations for current
(Finance Director) expenses and other expenditures of the City of
Willowick, State of Ohio during the first quarter
of the calendar year ending March 31, 2009 and
declaring an emergency.

Motion by Mr. Patton, seconded by Mr. Malta, 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 Ordinance No. 2008-55.
Discussion: None. Vote: All ayes. Motion carried.

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.

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.

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.

Resolution No. 2008-20 A Resolution accepting the storm sewer lateral
(Law Director) connections as corrected at 32319 Lakeshore
 Blvd., Willowick, Ohio 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. 2008-20.
Discussion: None. Vote: All nays. Motion failed.

Resolution No. 2008-21 A Resolution accepting the storm sewer lateral
(Law Director) connections as corrected at 32319 Lakeshore
(As Amended) Blvd., Willowick, Ohio 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. 2008-21.
Discussion: None. Vote: All ayes. Motion carried.

Resolution No. 2008-22 A Resolution authorizing the transfer of funds from
(Finance Director) the Street Improvement Fund (213) to the Bond
 Retirement Fund (301) 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. 2008-22.
Discussion: Mr. Wells asked for further explanation, Finance Director Benedict explained why the transfers are necessary and are done often throughout the year. Vote: All ayes. Motion carried.

MISCELLANEOUS

Motion by Mr. Patton, seconded by Mr. Malta, to approve Purchase Order No. 34711 in the amount of \$ 3,579.45 to Communications Service for the installation of cruiser equipment. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Vanni, to approve Purchase Order No. 34249 in an amount not to exceed \$ 3,600. to Shuttler's Uniform for new hire uniforms. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Malta, to approve Purchase Order No. 34850 in the amount of \$ 3,975. to Kair Inc. for SCBA Masks. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Malta, to approve Purchase Order No. 34851 in the amount of \$ 11,180. to The Fire House for new hire turnout gear. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Patton, authorizing CT Consultants to provide surveying and preliminary engineering services on the Thomas Street Improvements for an amount not to exceed \$10,000. Discussion: None. Vote: All ayes. Motion carried.

PUBLIC PARTICIPATION

None.

ADJOURNMENT

Motion by Mr. Patton, seconded by Mr. Malta, to adjourn to Executive Session. Discussion: None. Vote: All ayes. Motion carried. Meeting adjourned at 8:40 pm.

Motion by Mr. Patton, seconded by Mr. Vanni, to return to Regular Meeting of Council. Discussion: None. Vote: All ayes. Motion carried. Meeting adjourned at 8:30 pm.

Motion by Vanni, seconded by Mr. Allan, to authorize Shoreline Construction to repair sidewalks on E. 293rd Street for an amount not to exceed \$2,500. relative to the Shoreland Crossings Project. Discussion: None. Vote: Ayes: Malta, Wells, Hintz, Moran, Allan and Vanni. Abstain: Mr. Patton. Motion carried.

Motion by Mr. Patton, seconded by Mr. Vanni, to adjourn. Discussion: None. Vote: All ayes. Motion carried. Meeting adjourned at 9:10 pm.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL