

**CITY OF WILLOWICK
LAKE COUNTY, OHIO**

MINUTES AND PROCEEDINGS OF A REGULAR MEETING COUNCIL

DATE: February 5, 2008
PLACE: City Hall
TIME: 7:30 p.m.

The third 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, Hintz, Patton and Wells.

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

Approval of Minutes

Motion by Mr. Allan, seconded by Mr. Malta, to approve the minutes of regular meeting of Council of January 23, 2008. Discussion: None. Vote: Ayes: Moran, Allan, Vanni, Malta, Hintz, And Patton. Abstain: Mr. Wells. Motion carried.

Appointments, Special Resolutions & Proclamations

Special Resolution (Mayor Bonde) A Special Resolution acknowledging and commending Dean Miller on being recognized as the Willowick Police Department's Officer of the Year for 2007.

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

Special Resolution (Mayor Bonde) A Special Resolution acknowledging and commending Dispatcher Jeanne Fiorelli on being recognized as one of the Willowick Police Department's 2 Dispatchers of the Year for 2007.

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

Special Resolution (Mayor Bonde) A Special Resolution acknowledging and commending Dispatcher Angela Trend on being recognized as one of the Willowick Police Department's 2 Dispatchers of the Year for 2007.

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

Administrative Appeals

None.

*City Prosecutor Don Ezzone updated Council on pending cases at the Willoughby Municipal Court. Explained in detail the process of building code violations and the timetable involved in ending these cases. Reviewed several cases that are to be heard February 6, 2008.

Discussion: Mayor Bonde inquired about fines for building code violations, Mr. Ezzone responded that fines can be placed upon these violators, however, the final decision for fines is up to the magistrate or Judge. There have been instances when Mr. Ezzone will recommend a fine and the magistrate will choose to suspend. Mr. Patton asked if the building code violators are presented with the waiver to time for speedy trial, Mr. Ezzone responded they are and nearly all violators will sign the waiver for speedy trial.

*Presentation by Dino Lustrì of Polaris Engineering: Mr. Lustrì reviewed several change orders needed for the Shoreland Crossings Project. Change Order No. 5 is for an amount of \$13,650, Change Order No. 6 is an amount of \$5,145.00 and Change Order No. 7 is for an amount of \$9,383.85.

Discussion: Ms. Moran asked Mr. Lustrì to review the issue of the removal fence on Lakeshore Blvd. asking for clarification of whether it is the entire fence or just a portion. Mr. Lustrì responded by explaining it is just a portion of the fence, because the fire department needed access to the development's cul-de-sac. Mr. O'Donnell further explained that the fire trucks would not be able to get into the cul-de-sac with the permanent fencing. Mayor Bonde asked when Mr. DeGioia would release the money due to other contractors. Mr. Lustrì stated that he was assured when the change orders were approved he would pay. Capital Contractors President, Joe Durkoske added he has tried to handle this with Mr. DiGioia directly and expressed his concern with actually receiving the money his company is due for the work that has been completed. Ms. Moran suggested to Mr. Durkoske that he give DiGioia-Suburban one week to submit payment to his company and if not, contact Ms. Benedict's office.

Motion by Mr. Hintz, seconded by Mr. Vanni, to approve Change Order No. 5 to DiGioia-Suburban in the amount of \$13,650. to form and pour 8" concrete curb and gutter, backfill with 304 compacted stone and pour sidewalk at southeast corner of wall. Discussion: None. Vote: Ayes: Hintz, Moran, Allan, Vanni, Malta and Wells. Abstain: Patton. Motion carried.

Motion by Mr. Hintz, seconded by Mr. Vanni to approve Change Order No. 6 to DiGioia-Suburban in the amount of \$5,145.00 to revise original fence design and install emergency exit at Lakeshore Blvd. to allow for removable fence. Discussion: None. Vote: Ayes: Moran, Allan, Vanni, Malta and Wells. Nays: Hintz. Abstain: Patton. Motion carried.

Motion by Mr. Hintz, seconded by Mr. Vanni to approve Change Order No. 7 to DiGioia-Suburban in the amount of \$9,383.85 for the regrind of reclaimed asphalt to be used for roadway base. Discussion: None. Vote: Ayes: Hintz, Moran, Allan, Vanni, Malta and Wells. Abstain: Patton. Motion carried.

Reports & Communications from the Mayor/Safety Director

Mayor Bonde reported it would appear the Courier is still in operation. Articles left for the paper have been picked up by a representative. There are currently 14 homes in foreclosure in the city. Has been in contact with Visconsi and Jacobs regarding the project on Lakeshore Blvd. Little People's University is currently looking to relocate, possibly to Northshore Mall.

Discussion of Mayor's Report:

None.

General Communications & Reports – Directors & Officials

Service Director Joe Dominick submitted his written report.

Discussion: None.

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

Discussion: None.

City Engineer Craig Juday submitted written report.

Discussion: None.

Finance Director Cheryl Benedict submitted written report.

Discussion: None.

Law Director John O'Donnell: No report, requested Executive Session for discussion of potential litigation.

Discussion: None.

Police Chief Michael Lazor: January report submitted, reported Lt. Pallante has begun a physical fitness program in the department and there are currently 8 people involved.

Discussion: None.

Fire Chief Robert Posipanka did not have a written report.

Discussion: Mr. Wells asked if there has been an increase in the water flow pressure in the lines that were replaced on Royalview. Chief Posipanka estimated there would be a water flow of approximately 1,500 gallons per minute. Mr. Vanni asked if there were a fire on 322nd Street this past Sunday. Chief Posipanka responded it was not a fire; there was a report of smoke. Mayor Bonde added that perhaps the Police Department Advocates could go to the home and speak with the elderly man living there.

Chief Building Inspector Joe Dominick submitted written report,

Discussion: None.

WARD MATTERS

Mr. Malta reported he received a call from a resident who refuses to shop at Shoregate Shopping Center because of the poor condition of the parking lot. Mayor Bonde expressed his frustration as well and explained that he believes the shopping center has been sold a second time. Will contact Mr. Corrino requesting some work be done. Further added the city has very little control over the shopping center because it is private property. Mr. Malta also thanked the Mayor and Chief Lazor for their quick response regarding the matter on W. Willowick and Fairway. Mr. Wells asked why the shopping center is exempt from upholding the ordinances of the city. Mr. O'Donnell explained in theory, the city could enforce the shopping center under the General Maintenance Ordinance, citing them like the city would a falling gutter off a home. Mr. Dominick added it might not be bad idea if there are new owners purchasing the property. Mayor Bonde pointed out that the maintenance department for Shoregate is at Parmatown Mall, not in the area. Mr. O'Donnell feels it may not be best to enforce these problems through the Willoughby Muni Court.

PUBLIC PARTICIPATION

Mr. Adoryan asked for updates on outfall.

Response:

Ms. Moran responded there is a meeting scheduled this Thursday to visit and discuss the ongoing problems. Mr. Juday further added he is currently in the permitting process with the various agencies.

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 –Committee met this evening to discuss Moral Claim submitted. It is the recommendation of the Committee that the claim be denied.

Motion by Mr. Allan, seconded by Mr. Hintz, to deny Moral Claim. Discussion: None. Vote: All ayes. Motion carried.

Budget Committee – Mr. Patton stated Budget hearing would be set for February 9, 2008 at 8:00 a.m. Agenda provided to Council, Mayor and Directors.

Sewer & Storm water Task Force- No report.

Fire Department Development Committee - No report.

City Development Committee - No report.

LIASON REPORTS

None.

FUND TRANSFERS & BID AUTHORIZATIONS

None.

CONTRACT APPROVALS

None.

INTRODUCTION & CONSIDERATION OF LEGISLATION

Ordinance No. 2008-9 (Finance Director) An Ordinance providing for the compensation of appointed officials and certain other employees of the City, repealing certain ordinances and declaring an emergency.

Ordinance No. 2008-9 was placed on first reading.

Resolution No. 2008-2 (Finance Director) A Resolution authorizing the transfer of funds from the General Fund (101) to the State Highway Fund (203) 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 Resolution No. 2008-2. Discussion: None. Vote: All Ayes. Motion carried.

MISCELLANEOUS

Motion by Mr. Patton, seconded by Mr. Vanni, to approve Purchase Order No. 33227 in the amount of \$3,517.03 to Lake County Treasurer for the first half Stormwater assessments on all city properties. Discussion: None. Vote: All ayes. Motion carried.

PUBLIC PARTICIPATION

None.

ADJOURNMENT

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

Motion by Mr. Vanni, seconded by Mr. Allan to return to regular meeting of Council. Discussion: None. Vote: All ayes. Motion carried

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

Meeting adjourned at 8:42 p.m.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL