

**CITY OF WILLOWICK
LAKE COUNTY, OHIO**

MINUTES AND PROCEEDINGS OF A REGULAR MEETING COUNCIL

DATE: January 23, 2008
PLACE: City Hall
TIME: 7:30 p.m.

The 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, Hintz and Patton.
Absent: Mr. 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, Recreation Director Kless 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 9, 2008. Discussion: None. Vote: All ayes. Motion carried.

Appointments, Special Resolutions & Proclamations

Special Resolution (Mayor Bonde) A Special Resolution recognizing the successful completion of 30 years of service to the Willowick Fire Department and extending the appreciation of the Mayor and Council to *Carl Duy* on this occasion.

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

Special Resolution (Mayor Bonde) A Special Resolution recognizing the successful completion of 30 years of service to the Willowick Fire Department and extending the appreciation of the Mayor and Council to *Don Lynn* on this occasion.

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

Special Resolution (Council President) A Special Resolution recognizing and congratulating *William Kosmach* the occasion of his 90th birthday.

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

Motion by Mr. Allan, seconded by Mr. Patton, to appoint John Gibney III to the Recreation Board for an unexpired term ending December 31, 2009. Discussion: None. Vote: All ayes. Motion carried.

Oath of Office to John Gibney administered by Mayor Bonde.

Motion by Mr. Malta, seconded by Mr. Patton, to appoint John Heckman to the Recreation Board for an unexpired term ending December 31, 2010. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeals

Administrative Appeal
Order No. 2008-1

An order granting a variance and exception of 384 sq. ft. for a new garage in the application of Section 1337.01(C) (5) (B) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-249, Rick Pugh, 31434 Wellner.

Motion by Mr. Allan, seconded by Mr. Vanni, to grant Administrative Appeal Order No. 2008-1. Discussion: Neighbor Mr. Muzychenko was present this evening and stated that he has had an appraiser to his home and was given the opinion that his property value would decrease by 15% with the proposed garage on Mr. Pugh's property. Further reviewed the size of the garage by giving example of Council Chambers size relative to the size of the proposed garage. Mrs. Pugh stated that there would be a fence placed between the properties in the near future. Vote: Ayes: Hintz, Allan, And Vanni, Malta. Nays: Moran and Patton. Motion carried.

Reports & Communications from the Mayor/Safety Director

Mayor Bonde reported the Grand Opening for the Lake Hospital Willowick Campus is scheduled for May 27 and 29, 2008. Stated he is serving on a countywide Foreclosure Taskforce and that the highest foreclosure rates are in the cities of Madison and Eastlake. Congratulated Chief Lazor on becoming President of the Police Chiefs Association. Reported the Royalview Project is going very well and updates placed on Channel 23 regularly. Will be meeting with the officials of AT&T as well as the city IT staff to discuss possibly placing Channel 23 on U-Verse. The Willowick Home Show is scheduled for April 12 and 13, 2008. Briefly reviewed the budget, budget hearing should be scheduled within the next couple of weeks.

Discussion of Mayor's Report:

None.

General Communications & Reports – Directors & Officials

Service Director Joe Dominick submitted his written report.

Discussion: Ms. Moran asked if his department had been to the outfall. Mr. Dominick responded his department does weekly checks.

Recreation Director Julie Kless did not have a written report.

Discussion: None.

City Engineer Craig Juday did not have a written report.

Discussion: Ms. Moran asked for any updates on the outfall. Mr. Juday responded he has received comments from EPA and will submit a mitigation plan to them by weeks end. Added there will be additional funds needed for this.

Finance Director Cheryl Benedict did not have a written report.

Discussion: None.

Law Director John O'Donnell: reviewed ordinance pertaining to Royalview easements.

Discussion: None.

Police Chief Michael Lazor: Thanked the Mayor and Mr. Patton for their contribution to the Police Chiefs Association Dinner. Thanked Joe Dominick, Dale Crowley, Rick Pugh and Terry McCarthy for their hard work on the room expansion in the Police Department. Stated that the City of Wickliffe will be hosting an Ohio Ethics Seminar, if anyone is interested, please contact Wickliffe City Hall.

Discussion: None.

Fire Chief Robert Posipanka did not have a written report,

Discussion: None.

Chief Building Inspector Joe Dominick did not have a written report,

Discussion: None.

WARD MATTERS

None.

PUBLIC PARTICIPATION

Joe Durkoske, President of Capital Contractors stated his company was hired in June of 2007 for partial work on the Shoregate project and completed the job in July. His company is still waiting for payment. Further stated, through conversations, it is his understanding Di-Gioia has been paid for the work completed and they would need to put in a Change Order for his payment, which has not been done. Questioned why he has not been paid and how his company can obtain payment. Further stated he has had conversations with Mr. O'Donnell and Polaris Engineering.

Response: Law Director O'Donnell responded to Mr. Durkoske stating that he has explained the process he needs to take and Mr. Durkoske needs to be in contact with Polaris Engineering. Ms. Moran reiterated he would need to contact the engineer and the city is not able to do anything this evening. Mr. O'Donnell further explained the process by which the contractor is paid. Mrs. Benedict asked if Di-Gioia authorized Capital Contractors to do the work. Mr. Durkoske responded they did not. Mrs. Benedict asked who authorized his company to do the work. Mr. Durkoske stated Mr. Marucci authorized him. Ms. Moran added she would contact Mr. Marucci and get back with Mr. Durkoske. Mayor Bonde added if Mr. Durkoske would like to review the pay requests, he should contact the Finance Department.

Reports of Standing Committees

Finance Committee – No report.

Safety Committee - No report. Fire Dependency met this evening for annual meeting.

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 tabled until next meeting of February 5, 2008.

Budget Committee – Mr. Patton stated Budget hearing would be set for February 9, 2008 provided Mr. Wells would be able to attend as well.

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. 2008-7 An Ordinance repealing Ordinance No. 2007-95
(Finance Director) and declaring an emergency.

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

Motion by Mr. Patton, seconded by Mr. Allan, to adopt Ordinance No. 2008-7.
Discussion: None. Vote: All Ayes. Motion carried.

Ordinance No. 2008 - 8 An Ordinance accepting a Permanent Easement for
(Law Director) the construction and maintenance of a permanent
 water main across the lands for each property
 described in Exhibit A, and declaring an
 emergency.

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

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. Hintz, to adopt Ordinance No. 2008-8.
Discussion: None. Vote: All Ayes. Motion carried.

MISCELLANEOUS

Motion by Mr. Allan, seconded by Mr. Vanni to approve Purchase Order No. 33210 in the
amount of \$20,082. to the City of Willoughby for the 2007 second half Shared Court
Allocations. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Malta to appropriate an additional \$82.00 to account
#101-706-5315 (court costs). Discussion: None. Vote: All ayes. Motion carried.

PUBLIC PARTICIPATION

None.

ADJOURNMENT

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

Meeting adjourned at 8:42 p.m.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL