

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

DATE: January 5, 2010  
PLACE: City Hall  
TIME: 7:30 p.m.

The 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 read the resignation letter of Ward 2 Councilman Dave Hintz and requested such be made a permanent part of this record. Further stated there will be a Special Meeting of Council set for Wednesday, January 27<sup>th</sup>, 2010 for review of resumes and interviews of those persons interested in the Ward 2 Council Seat. After which time Council will adjourn to Executive Session for discussion of said interviews.

**PRESENT WERE:** Council Members Moran, Vanni, Malta, Patton, and Allan.  
Absent: Mr. Wells.

**ALSO PRESENT:** Mayor Richard Bonde, Law Director O'Donnell, City Engineer Juday, Recreation Director Kless, Chief Building Inspector and Service Director Dominick, Police Chief Lazor, Fire Chief Posipanka, City Prosecutor Don Ezzone and Council Clerk Russo.

**Approval of Minutes**

Motion by Mr. Vanni, seconded by Mr. Patton, to approve the minutes of Regular Meeting of Council of December 15, 2009. Discussion: None. Vote: All ayes. Motion carried.

**Appointments, Special Resolutions & Proclamations**

Motion by Mr. Allan, seconded by Mr. Patton, to reappoint David Phares to the Board of Zoning Appeals for a three year term ending December 31, 2012. Discussion: None. Vote: All ayes. Motion carried.

Oath of Office to David Phares administered by Mayor Bonde.

Motion by Mr. Patton, seconded by Mr. Malta, to reappoint John Gibney to the Recreation Board for a three year term ending December 31, 2012. 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 reappoint Robert Kodramaz to the Civil Service Commission for a six year term ending December 31, 2015. Discussion: None. Vote: All ayes. Motion carried.

Oath of Office to Robert Kodramaz administered by Mayor Bonde.

Motion by Mr. Patton, seconded by Mr. Malta, to reappoint P. Thomas Robinson to the Civil Service Commission for a six year term ending December 31, 2015. Discussion: None. Vote: All ayes. Motion carried.

Oath of Office to P. Thomas Robinson administered by Mayor Bonde.

### **Administrative Appeals**

None.

### **Update from Willowick City Prosecutor Don Ezzone**

Mr. Ezzone introduced himself to those members of Council that may not have met him. Explained to Council that every Wednesday he represents the City of Willowick as prosecutor at the Willoughby Municipal Court. Mr. Ezzone reviewed a typical Wednesday and several cases that occurred throughout the year. Updated Council on several cases that are currently pending including the ongoing health and safety issues at Springcrest Apartments as well as the case of the pit bull involved in the biting a young child.

### **Discussion of Mr. Ezzone's Report:**

Mr. Vanni asked for any further information regarding the pit bull case. Mr. Ezzone stated they are due to come back to Court on January 15, 2010, it is his understanding that the owners of the pit bull have installed a pen that has been bolted to the garage floor and have obtained new insurance coverage for the ownership of a pit bull; which is required by local and/or state law. Mr. Ezzone stated he would be happy to update Mr. Vanni via telephone after case has been resolved and added he is always available to Council at his office or the Municipal Court. Mr. Patton inquired on whether housing Court had been backlogged and if there had been a drop in the number of cases filed. Mr. Ezzone responded there does not appear to be a backlog of cases, nor do the number of filings seem to be down. Explained the city is looking into the possibility of decriminalizing cases involving homeowner issues and whether the Building Department should take over the issuance of tickets, added he would update Council further should there be a change.

### **Reports & Communications from the Mayor/Safety Director**

Mayor Bonde wished everyone a Happy New Year and explained that the budget process is moving along, is looking into alternatives in dealing with Labor Management and leadership in the coming years, as the revenue will not increase in 2011 but expenses will, healthcare will rise in both 2010 and 2011. Budget will be balanced as it must be according to state law, layoffs took effect January 1, 2010. Provided Council with a copy of the new Willowick Guidebook magazine printed by Villa Beach Printing, pointing out the magazine did not cost the city any money as it was fully funded by the advertisers. Mayor Bonde would like to provide all realtors with a copy of this as well as any homeowners selling their homes. Copies of the magazine are available throughout the city and at City Hall. Thanked the Service Department for the fine job they did with snow removal.

### **Discussion of Mayor's Report:**

None.

### **General Communications & Reports – Directors & Officials**

**Service Director Joe Dominick** written report submitted, stated the video camera from the Service Department is broken and will need to be declared surplus and no value to the City.

Motion by Mr. Allan, seconded by Mr. Vanni, to declare Tempest TM800 DVR-Recorder as surplus and no value to the city. Discussion: None. Vote: All ayes. Motion carried.

**Discussion:** None.

**Recreation Director Julie Kless** written report submitted.

**Discussion:** None.

**City Engineer Craig Juday** written report submitted.

**Discussion:** None.

**Finance Director Cheryl Benedict** not present.

**Discussion:** None.

**Law Director John O'Donnell** no report.

**Discussion:** None.

**Police Chief Michael Lazor** –written report submitted

**Discussion:** None.

**Fire Chief Robert Posipanka** – no written report

**Discussion:** None.

**Chief Building Inspector Joe Dominick** no written report.

**Discussion:** None.

### **WARD MATTERS**

Mr. Malta stated he has been receiving numerous calls regarding the distribution of the News-Herald Chatter that seems to be thrown out onto tree lawns, aprons and the streets. The residents do not want this publication and he is concerned that the cellophane bags will wash down the sewers. Mayor Bonde stated he too has received many phone calls regarding same. He stated there is nothing the city can do as they are not soliciting, further stated he has emailed the editor and spoke to Dave Jones to try and resolve the issue. Some discussion continued regarding the options the city has to deal with this. Law Director O'Donnell made several ways to handle the problem.

Mr. Patton asked for clarification of the Special Meeting of Council. Council President Moran stated the meeting will be held Wednesday, January 27<sup>th</sup>, 2010 at 7:00 pm and notices would be sent out to all members of Council.

Mr. Malta further asked how a resident of that ward might be considered for the vacant position, Ms. Moran stated they should submit a letter of interest and resume to her attention to City Hall Council Offices.

### **PUBLIC PARTICIPATION**

Mr. John Gerl is the owner of a home on E. 285<sup>th</sup> Street. Mr. Gerl stated in the past he has had issues with the sanitary sewers backing up, of recent, the sewer has been backing up more frequently, in 2009 his tenants experienced 2 backups. His concern is for the health of the family

living in the home. In 2004 had a video and report prepared by Harrison Plumbing, it is their opinion that the break is in the street and the city should be responsible. Mr. Gerl also spoke with Service Director Dominick regarding the repair. Mr. Dominick relayed to Mr. Gerl that the city does have a levy to pay for emergency repairs, the levy is for emergency cases only and there is only enough money for maybe 3 a year. Mr. Gerl further stated he had an estimate from Dominick DeFranco for the repair on December 23, 2009 his suggestion was to contact Councilman Tom Wells who advised Mr. Gerl to attend tonight's Council meeting. Mr. Gerl is asking the city to repair his break and advise him further.

Mr. Bob Kodramez asked if the city could draft legislation for a "do not deliver" list for homeowners and put the responsibility onto the homeowner for being placed on such list.

Ms. Ann Turk of 796 E. 305<sup>th</sup> Street is a volunteer for the Hearts and Hammers Committee announced and invited all to a Hearts and Hammers fundraiser being held at Frankie's Pub and Pasta on January 30, 2010, anyone interested can see her after the meeting for tickets or further information.

**Response to Public Portion:**

Mr. O'Donnell addressed the suggestion of Mr. Kodramez in that yes, the city could draft such legislation but his overall feeling is that a resident will still just let the paper sit in the drive, lawn or street.

Mr. Dominick stated there is money to make repairs to right of way sewers however, the Ohio Revised Code states it is the homeowners responsibility to make repairs from their house to the main connection. The City of Willowick does have a levy fund that is enforced at the Point of Sale and should there be a failure in the right of way at the Point of Sale, the city will make repair at that time. Any money left over is reserved for those times when the Service Department can no longer get it opened. If the sewer should continue to back up 4-5 times this year, Mr. Gerl can call. If the city is unable get it opened and it is within regular Service Department business hours and there is money in the levy fund, the city would repair at that time. Mr. Dominick further added at this time, there are approximately 9 other homeowners in the same position as Mr. Gerl.

Mr. Gerl asked if the city could come out to the home once a month to snake his line, Mr. Dominick responded this could not be done, but suggested that if the tenants begin to hear gurgling in the lines they should call the Service Department at that time, Mr. Gerl stated the basement is the children's play area and they would not notice such noise, the parents would not be present when the children are in the basement playing and further added that the tenants work during the day and would not be home should the gurgling occur as well. Mr. Gerl is very concerned with health issues if the drain backs up with the children down there. Added the problem is on the city's property. Mr. Dominick explained that it is actually the responsibility of the homeowner to make the repairs and if Mr. Gerl is concerned about a lawsuit from the tenant family he always has the option to make the repair himself, explaining again the city will make the repair in an emergency situation should the Service Department not be able to get it opened again or it fails at a Point of Sale inspection. Mr. Gerl asked if anyone else in the city has had this problem. Ms. Moran pointed out Law Director O'Donnell has experienced such issue and Councilman Vanni is currently experiencing the same problem. Law Director O'Donnell explained to Mr. Gerl that the only reason this city is able to pay for any repairs in the right of way is because of the levy which is specifically designed to make said repairs to Point of Sale inspections and the occasional emergency should there be funds to do so. Further explained to

Mr. Gerl that he has the option to make the repair himself. Mr. Gerl clarified that he has the option of hiring his own contractor to make the repair. Mr. O'Donnell reviewed the process. Mr. Gerl expressed his dissatisfaction that he is paying taxes for a levy that he cannot use. Mr. O'Donnell stated that most residents in the city would not be able to partake in the levy and that is the purpose for outlining the specifics of when the repairs can be done. Ms. Moran explained that many people in the city that also pay for all the levy's never take part. Further explained that it would be impossible for the city to pay for every repair of every resident, and explained the scenarios to which that levy can be used and further explained he has the option of hiring his own contractor to make the repair.

Ms. Moran stated she will be working on Committee reassignments and should have them some time in February.

### **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, committee will meeting Jan. 19, 2010 at 7:00 pm for claim submitted.

**Budget Committee** – No report, tentative budget hearing date Saturday, February 13, 2010. This is a tentative date, Mr. Malta has requested the date possibly be set for January 20<sup>th</sup> or 27<sup>th</sup> if the budget is received by that time. Mr. Patton explained Council prefers to have three readings for the budget legislation and budget hearings cannot be much later than February 13<sup>th</sup> to accommodate such. Mr. Malta made the suggestion for a Sunday budget review.

**Sewer & Storm water Task Force**- No report.

**Fire Department Development Committee** - No report.

**City Development Committee** - No report.

### **LIAISON REPORTS**

**Hearts and Hammers:** No report, meeting scheduled for Wednesday, January 6, 2010. Asked council to attend fundraiser at Frankie's Pub and Pasta.

**Community Energy Awareness Committee:** No report, first meeting of the year will be held on January 20, 2010, topics will be reported at a later date.

### **FUND TRANSFERS & BID AUTHORIZATIONS**

None.

**CONTRACT APPROVALS**

None.

**INTRODUCTION & CONSIDERATION OF LEGISLATION**

None.

**MISCELLANEOUS**

None.

**PUBLIC PARTICIPATION**

None.

Mayor Bonde stated it is the responsibility of the city to explain to the residents the issues the city faces when preparing the budget and making cuts and employee layoffs.

**ADJOURNMENT**

Motion Mr. Patton, seconded by Mr. Vanni, to adjourn. Discussion: None. Vote: All ayes. Motion carried. Meeting adjourned at 8:35pm

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

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PRESIDENT OF COUNCIL