

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

DATE: January 6, 2009
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.

PRESENT WERE: Council Members Moran, Vanni, Malta, Patton, Wells and Hintz.
Councilman Allan arrived at 7:40 p.m.

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

Approval of Minutes

Motion by Mr. Vanni, seconded by Mr. Malta, to approve the minutes of Regular Meeting of Council of December 16, 2008. Discussion: None. Vote: Ayes: Moran, Vanni, Malta, Wells and Hintz. Abstain: Mr. Patton. Motion carried.

Appointments, Special Resolutions & Proclamations

Motion by Mr. Wells, seconded by Mr. Hintz, to reappoint Colleen Vahcic to the Recreation Board for a three-year term ending December 31, 2011. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Malta, seconded by Mr. Vanni, to reappoint Diana Mulac to the Recreation Board for a three-year term ending December 31, 2011. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeals

None.

Reports & Communications from the Mayor/Safety Director

Mayor Bonde began by explaining that there are seven sound barrier panels missing after speaking with the County he was informed that they began to lean and the bank was not stable. Once the bank has been stabilized, the panels would be replaced. The city received a \$108,000 grant from FEMA. Fire Department requested the money to upgrade the city mapping system as well as the vehicle exhaust system to help alleviate the fumes. The Local Government Fund is 1.6 million, down \$130,000 from 2008, explained there is less money being collected from the sewer revenue and more money is going out to Euclid; water rates are dropping as well.

Mayor voiced his concern with the city finances, has had many discussions with the Finance Director as well as all the directors. Mayor and Finance Director still reviewing budget, the city must make cuts this year. The victim advocates were cut and school crossing guards have been reduced from nine guards to five; the Police Chief and department reviewed the locations of the guards and made sure the children would in no way be in harm. The Mayor received two phone calls from people interested in opening used car lots in the city, there is an ordinance on the agenda this evening prohibiting the opening of used car lots within the city. One of the goals of

the Mayor for 2009 is to make a concerted campaign to market the city, Euclid currently publishes a magazine advertising their city and all it has to offer, this publication is free to the city and does not make the city any money, it is strictly to market the city. There will need to be a transfer of funds from the general fund to the sewer revenue fund on the next agenda.

Discussion of Mayor's Report:

Mr. Malta received a call from a resident on the corner of Dudley concerned with there not being a school crossing guard there any longer. Police Chief Lazor explained that there was much thought given before the crossing guards were taken from a post. Stated there are many children being driven to school and he has seen several groups of children crossing the street quite a ways from the guard to avoid being crossed by them. The Mayor suggested monitoring that corner and possibly replacing the guard, further explained the cutbacks the city is making. Mr. Wells stated the city should put its efforts into looking into the water flow increase, asked if CT Consultants could look into for a possible solution. The Mayor agreed that there are two issues the city needs to look into, the first being the decrease in water usage and the second is the increase in flow to Euclid. CT is currently looking into the possible problems, briefly reviewed ordinance on the agenda pertaining to dye testing in the city.

General Communications & Reports – Directors & Officials

Service Director Joe Dominick submitted written report, asked for permission to prepare specifications and go out to bid for the cleaning contract which is due to expire March 1, 2009.

Discussion: None.

Recreation Director Julie Kless submitted written report. Nancy Cetina present for Recreation Director Kless.

Discussion: None.

City Engineer Craig Juday no written report, reviewed several items not on the agenda this evening and asked for approval of such. Reported the outfall continues to make progress.

Discussion: Mr. Wells questioned one of the items for approval, Mr. Juday explained in detail what would be involved in the preparation of the sanitary sewer evaluation.

Finance Director Cheryl Benedict no report.

Discussion: None.

Law Director John O'Donnell reviewed and asked for approval of ordinance on the agenda this evening.

Discussion: Mr. Vanni asked what would be involved if the in the future the city would want to amend the dye-testing ordinance. Mr. O'Donnell stated the city could amend it at any time and pointed out that should a business be sold, they would be required to have a dye test even if the business had testing the previously. Mr. Juday stated that experience proves the suggested time line for testing is sufficient.

Police Chief Michael Lazor – monthly report filed.

Discussion:

Fire Chief Robert Posipanka –no report.

Discussion: None.

Chief Building Inspector Joe Dominick written report submitted.

Discussion: Ms. Moran questioned a repair to fencing at Shoreland Crossings. Mr. Dominick stated that at this time the city is repairing any fencing that is in the right of way. Mr. O'Donnell further explained in detail the responsibility of the city and that a homeowners association has been set up at Shoreland Crossings to handle further issues.

WARD MATTERS

Mr. Wells questioned AT&T service in the city, as he received a complaint from a resident not yet receiving service. Mayor Bonde and Law Director O'Donnell explained that the AT&T boxes are able to service 200 homes per box. Not all neighborhoods are completed as of yet, Mayor requested the name and address of the resident and he will check with AT&T. Mayor Bonde reported that the city phone system was down on Christmas Day and 911 systems the following day, calls were immediately dispatched to the Wickliffe Police and Fire Departments without incident. The phone company is in the process of fixing the problem all along Lakeshore Blvd. Mr. Hintz voiced his concern of salt usage throughout the city, asked if the city could pay special attention to the side streets during icy conditions.

PUBLIC PARTICIPATION

Lori DiBiase of Gilchrist stated there is a business on Lakeshore Blvd. violating the city noise ordinance. Has talked to Councilman Malta and the Police Department as well as speaking with the business owners. Ms. Moran asked the name of the business, Ms. DiBiase responded Andolero's Pizza. Explained that is unbearable during the summer months as they have speakers outside on their patio, the music is loud all year and can be heard in the winter as well when the restaurants kitchen door is open.

Joe Lukacs of 28716 Gilchrist reiterated Ms. DiBiase's complaint and added that he hoped something could be done with people parking right on the corner of Gilchrist and Lakeshore Blvd. to pick up their pizza's as this is very dangerous to both those turning onto Gilchrist from Lakeshore and those parked. Stated there is parking in the back of the store.

Paula Patfield of 28710 Gilchrist agreed with the two previous complaints and added that just this evening there was a vehicle stopped for a pizza pick up. Has complained repeatedly to the city about this danger. Asked for some resolution to the loud music, as it is very frustrating to all the neighbors in the summer when the T.V. cannot be heard due to their music.

Response:

Mayor Bonde asked for further explanation of the music issue. The neighbors stated during the summer months the music is loud both on the patio from the outside speakers and coming from the kitchen. The music comes from the kitchen door in the winter and can still be heard inside the homes the door faces. Ms. DiBiase stated they do not have a problem with the music, just the volume at which they keep it playing. Mayor Bonde stated he would stop at the shop tomorrow

after work and speak with them. It was further added that when the neighbors spoke with Andolero's they were cussed at. Chief Lazor added that according to the phone records there were no calls received after the couple calls in the summer, asked that they continue to call the department as the department assumes the problem has been resolved if no further calls are received. Stated the restaurant can be cited if there is an ongoing issue. Mr. Malta thanked the residents for taking the time to call him and suggested they call the police department if there are further noise incidents.

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 will meet Tuesday, January 20, 2009 at 7:00 p.m.

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 stated treasurer Phil Rossi has resigned and there would be election of officers at meeting of Wednesday, January 7, 2009 if anyone is interested please let him know.

FUND TRANSFERS & BID AUTHORIZATIONS

Motion by Mr. Allan, seconded by Mr. Vanni, authorizing the transfer of 2008 appropriated funds in the amount of \$120.00 from account #101.102.5138 (Wages-Firefighters) to account #101.102.5260 (Medicare) (**Approved by telephone poll of Council 12/26/08**)

Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Allan, seconded by Mr. Malta, authorizing the transfer of 2008 appropriated funds in the amount of \$120.00 from account #208.102.5138 (Wages-Firefighters) to account #208.102.5260 (Medicare) (**Approved by telephone poll of Council 12/26/08**)

Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Allan, seconded by Mr. Malta, authorizing the transfer of 2008 appropriated funds in the amount of \$10.00 from account #220.304.5210 (Hospitalization) to account #220.304.5198 (Wages-Part-Time) (**Approved by telephone poll of Council 12/26/08**)

Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2009-1
(Law Director)

An Ordinance amending Section 921.115 of the
Codified Ordinances of the City of Willowick and
declaring an emergency.

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

Motion by Mr. Hintz, seconded by Ms. Moran, to adopt Ordinance No. 2009-1.
Discussion: None. Vote: All ayes. Motion carried.

MISCELLANEOUS

Motion Mr. Vanni, seconded by Mr. Patton, approving Change Order No. 1- Final to Fabrizi Trucking and Paving Company Inc. deducting the amount of \$131,793.78 for the Royalview Drive Reconstruction Project. Discussion: None. Vote: All ayes. Motion carried.

Motion Mr. Vanni, seconded by Mr. Patton, approving the release of retainage in the amount of \$84,652.43 to Fabrizi Trucking and Paving Company Inc. for the Royalview Drive Reconstruction Project. Discussion: None. Vote: All ayes. Motion carried.

Motion Mr. Patton, seconded by Mr. Vanni, authorizing CT Consultants to provide additional engineering services associated with evaluating the City's sanitary sewer system for an amount not to exceed \$20,000.00. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Allan, seconded by Mr. Patton, authorizing the Service Director to prepare bid specifications and advertise for bids for cleaning contract. Discussion: None. Vote: All ayes. Motion carried.

PUBLIC PARTICIPATION

Mr. Adoryan asked if the city would elaborate on the \$20,000. motion above.

Mayor Bonde stated it was explained during the meeting and he would be happy to meet with him after the meeting. Ms. Moran briefly explained that the city would like CT to investigate where the city water is going and why there is such an increase in flow to Euclid as well as the billing from Euclid. The city feels there is something wrong along the lines and needs to find the problem.

ADJOURNMENT

Motion by Mr. Patton, 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