

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

DATE: July 15, 2008
PLACE: City Hall
TIME: 7:30 p.m.

The fourteenth 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, 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, Fire Chief Posipanka and Council Clerk Russo.

Approval of Minutes

Motion by Mr. Allan, seconded by Mr. Patton, to approve the minutes of Regular Meeting of Council of June 17, 2008. Discussion: None. Vote: All ayes. Motion carried.

Appointments, Special Resolutions & Proclamations

Oath of Office administered to John Kraus as Lieutenant by Mayor Bonde.

Administrative Appeals

Administrative Appeal Order No. 2008-11	An Order granting a variance and exception to allow the construction of a 5' chain link fence 2' from the sidewalk in the application of Section 1165.08(d) of the Codified Ordinances in Board of Zoning Appeals Case 21-260, William Hyvarinen 351 E. 323 rd Street.
--	---

Motion by Mr. Allan, seconded by Mr. Patton, to grant Administrative Appeal Order No. 2008-11. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2008-12	An Order granting a variance and exception to allow the construction of a 36 1/2' of vinyl fencing in the side yard in the application of Section 1165.08(b) of the Codified Ordinances in Board of Zoning Appeals Case 21-261, David Lutz, 32727 Lakeshore Blvd.
--	---

Motion by Mr. Allan, seconded by Mr. Patton, to grant Administrative Appeal Order No. 2008-12. Discussion: None. Vote: All ayes. Motion carried.

Reports & Communications from the Mayor/Safety Director

Reported cement repairs have begun on Willowick Drive, repairs should give the road approximately 10 years of life. Included in the repairs are box outs, catch basins and the blocks around manhole covers. Barjode is scheduled for next cement repair. Mayor Bonde reported the Royalview project is running ahead of schedule, updates would be posted on CATV 20 and website. Application for CDBG was processed and the city received grant money for storefront renovations, senior sidewalk program. The Welcome to Willowick signs have arrived and will be placed on E. 305th, Euclid Avenue and Vine Street. Block watch signs will soon be up also. Met with CB Richard Ellis representative for discussion of sale of portions of St. Mary Magdalene property, reviewed properties that would be involved in sale. Stated St. Mary Magdalene is still the largest parish in west Lake County and is a vibrant parish. Mayor reviewed Willowick's growth and the number of new families with children. Stated the legislation regarding pets will be on its second reading this evening, recommended placing in committee for thorough discussion.

Discussion of Mayor's Report:

Mr. Malta received email regarding posting of Minutes of website, Mayor Bonde responded the minutes couldn't be posted until they are approved by Council, added he also received and responded to email.

General Communications & Reports – Directors & Officials

Service Director Joe Dominick was not present this evening.

Discussion: None.

Recreation Director Julie Kless submitted and reviewed her written report, reminded Council Family Fun Night will be July 25th at Dudley Park. Playground at Roosevelt is complete, it is a toddler playground.

Discussion: None.

City Engineer Craig Juday did not have a report. July 24th 2008 is the target date to advertise for the Barjode Resurfacing Project as well as the Outfall project. Still waiting on mitigation issue. Will be attending Lake County Integrated Committee meeting to find out rankings of three projects for the city.

Discussion: Mr. Allan asked for any outfall updates. Mr. Juday hoped the project would begin in the fall.

Finance Director Cheryl Benedict did not have formal report, requested consideration of additional appropriations.

Discussion: None.

Law Director John O'Donnell requested motion to extend plan review pending Administrative Appeal.

Discussion: None.

Police Chief Michael Lazor asked for approval of DARE Resolution, explained, and asked for approval of Purchase Order on the agenda this evening.

Discussion: Mr. Patton asked if the department were sending an officer representative to the funeral of the fallen officer. Chief responded they would be.

Fire Chief Robert Posipanka no report this evening.

Discussion: None.

Chief Building Inspector Joe Dominick not present this evening.

Discussion: None.

WARD MATTERS

Mr. Wells spoke of Lakeland Blvd. grass issues, reiterated that this is ongoing. Reviewed several areas in the city that landscape company is not taking care of as well as several areas that county/state are not tending to. Mr. Hintz asked if the city had an alternative way to handle homeowners of rentals or vacant homes that do not maintain the lawn after several warnings. Law Director O'Donnell stated the city could not charge more than the job is worth, however the city could increase the penalty with each subsequent cutting. Mr. Hintz stated he would like this possibility considered. Mr. Malta reviewed the grasscutting notification process and suggested expediting the notices.

PUBLIC PARTICIPATION

Rick Skerl owner of Payless Muffler stated he now owns the former Knights of Columbus Hall as well as the current Payless Muffler building therefore this area would not be for sale with the St. Mary Magdalene properties.

Linda (inaudible) of West Willowick Drive stated her property backs up to the home with the 50 cats, made clear she does like animals and her neighbors; nevertheless, the cat situation has gotten out of control. She urges Council to pass some type of legislation pertaining to animals, emailed Council websites regarding animal care. Explained the homeowner with the cats has inquired about surrendering the animals but was told the charge would be \$25.00 per cat, which is not an expense this homeowner could afford with 50 cats to surrender. Invited Council to visit her property to view the cat issue.

Rick (inaudible) of West Willowick stated he feels common sense should dictate that 3 cats and/or 3 dogs is more than enough for any family to own. Further added the stench coming from the property is horrendous to the point that he cannot work in his yard and believes there are at least 4 children in the home, does not feel this is fair to them. Asked Council to approve legislation to limit the number of pets a homeowner may have.

Response:

Mayor Bonde responded he agrees completely with there being legislation pertaining to pet ownership as he has been inside of the home. Added at this time the building department has no recourse. Ms. Moran stated the pending legislation would be placed on second reading and into committee for in depth discussion of its content. Invited Linda (last name inaudible) to sit on the committee and work with them in coming to a satisfactory resolution to this issue. Mayor Bonde stated the Health Department has made 2 visits to the home. Mr. Malta added he has talked to the

Dog Warden and the Humane Society. The Humane Society has stated they can spay and neuter the cats, though the situation at this point is beyond that. Ms. Moran added she also has been in contact with the Health Department and they are actively working on this situation. Ms. Moran placed this issue into the Safety Committee, Mr. Wells, chairman, will set up a meeting before the next regular meeting of Council in August. Mr. Wells questioned whether the Fire Department had any leverage in this matter, Chief Posipanka responded there is nothing in the ordinances they can enforce, they are permitted to become involved if structural problems arise from a fire. Mr. Hintz voiced his concern for the children in the home. Mayor Bonde responded Children's Services has also been contacted regarding this matter.

At this time, Ms. Moran announced the Tax Budget hearing would be taking place.

TAX BUDGET HEARING

8:15 P.M.

Finance Director Benedict stated that the millage request for 2009 is 19.5 mills, representing no change from the current millage being assessed. The total property tax revenue for the city will be \$ 5,156,735. The Tax Budget Hearing was opened to the public and there were no comments or objections. The hearing was closed at 8:17 p.m.

Reports of Standing Committees

Finance Committee – No report.

Safety Committee - No report, will be scheduling hearing.

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 previously filed moral claim. Upon lengthy discussion of the committee members, it is the recommendation of the committee to approve said Moral Claim.

Motion by Mr. Patton, seconded by Mr. Hintz, to approve Moral Claim in the amount of \$1,200. Discussion: None. Vote: All ayes. Motion carried.

Budget Committee – No report.

Sewer & Storm water Task Force- No report.

Fire Department Development Committee - No report.

City Development Committee - No report.

LIASON REPORTS

Hearts and Hammers: Mr. Malta reported the committee would meet Wednesday July 16, 2008.

FUND TRANSFERS & BID AUTHORIZATIONS

None.

CONTRACT APPROVALS

Motion by Mr. Vanni, seconded by Mr. Patton, authorizing the Mayor to enter into a 5-year contract with AT&T Local Distribution Channels (3 point to points for Service, Manry and Senior Center) in the amount of \$588.00 per month. **(Approved by telephone poll of Council 7/3/08)** Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Malta, seconded by Mr. Patton, authorizing the Mayor to enter into a 3-year contract with AT&T for Managed Internet Services in the amount of \$356.80 per month. **(Approved by telephone poll of Council 7/3/08)** Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Malta, authorizing the Mayor to enter into a 3-year contract with AT&T for ISDN Prime (PRI) with DS1 Service in the amount of \$530.00 per month. **(Approved by telephone poll of Council 7/3/08)** Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Vanni, authorizing the Mayor to enter into a 3-year contract with AT&T for Centrex Service in the amount of \$28.03 per line, per month. **(Approved by telephone poll of Council 7/3/08)** Discussion: None. Vote: All ayes. Motion carried.

INTRODUCTION & CONSIDERATION OF LEGISLATION

Ordinance No. 2008-33 (Law Director) An Ordinance amending Section 505.08 of the Codified Ordinances of the City of Willowick and declaring an emergency. **(6/17/08 first reading)**

Ordinance No. 2008-33 was placed on second reading and placed in Safety Committee.

Ordinance No. 2008-34 (Finance Director) An Ordinance directing the Director of Finance to certify delinquent accounts to the Lake County Auditor and Lake County Treasurer for collection as property tax and declaring an emergency.

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

Motion by Mr. Vanni, seconded by Mr. Hintz, to adopt Ordinance No. 2008-34. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-35 (Finance Director) An Ordinance directing the Director of Finance to certify delinquent accounts to the Lake County Auditor and Lake County Treasurer for collection as property tax and declaring an emergency.

Motion by Mr. Hintz, seconded by Mr. Patton, 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. 2008-35. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-36 (Finance Director) An Ordinance directing the Director of Finance to certify delinquent accounts to the Lake County Auditor and Lake County Treasurer for collection as property tax 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. Vanni, seconded by Mr. Patton, to adopt Ordinance No. 2008-36. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-37 (Finance Director) An Ordinance directing the Director of Finance to certify delinquent accounts to the Lake County Auditor and Lake County Treasurer for collection as property tax and declaring an emergency.

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

Motion by Mr. Vanni, seconded by Mr. Malta, to adopt Ordinance No. 2008-37. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-38 (Finance Director) An Ordinance directing the Director of Finance to certify delinquent accounts to the Lake County Auditor and Lake County Treasurer for collection as property tax 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. Allan, seconded by Mr. Malta, to adopt Ordinance No. 2008-38. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008- 39 An Ordinance directing the Director of Finance to
(Finance Director) certify delinquent accounts to the Lake County
Auditor and Lake County Treasurer for collection
as property tax and declaring an emergency.

Motion by Mr. Vanni, 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. 2008-39. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-40 An Ordinance approving the editing and inclusion
of certain ordinances as parts of the various
component codes of the Codified Ordinances;
approving, adopting and enacting new matter
in the updated and revised codified ordinances; and
repealing ordinances and resolutions in conflict
therewith 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. Vanni, seconded by Mr. Patton, to adopt Ordinance No. 2008-40. Discussion: None. Vote: All ayes. Motion carried.

Resolution 2008-13 A Resolution authorizing the filing of a grant
(Chief of Police) application to the Ohio Attorney General to provide
D.A.R.E. training at the Willowick Elementary
Schools and declaring an emergency.

Motion by Mr. Patton, seconded by Mr. Malta, 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 Resolution No. 2008-13. Discussion: None. Vote: All ayes. Motion carried.

Resolution No. 2008-14 A Resolution adopting the Tax Budget for the fiscal
(Finance Director) year beginning January 1, 2009 and declaring an emergency.

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

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

Motion by Mr. Patton, seconded by Mr. Malta, to adopt Resolution No. 2008-14. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-41
(Finance Director)

An Ordinance amending 2008-14 to provide for additional appropriations from the General Fund (101), Street Improvement Fund (213), Senior Citizens Center Fund (220) for the calendar year ending December 31, 2008 and declaring an emergency.

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

Motion by Mr. Patton, seconded by Mr. Malta, 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 Ordinance No. 2008-41. Discussion: None. Vote: All ayes. Motion carried.

MISCELLANEOUS

Motion by Mr. Patton, seconded by Mr. Allan, to approve Purchase Order No. 34092 to Sundance Systems in the amount of \$4,025.00 for the purchase of E-Storage System and tech support for Police Department. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Malta, seconded by Mr. Patton, to allow the Mayor to make an official offer of \$5,000 for the purchase of a home on Oakdale Dr. **(approved by telephone poll of Council 7/2/08)** Discussion: Mr. Hintz stated he met the new owners of the Oakdale home, Mayor Bonde added that should the agreement fall through, the city would be prepared to make this offer. Vote: All ayes. Motion carried.

Motion by Mr. Allan, seconded by Mr. Vanni to extend the Plan Review Board Public Hearing provision in Section 1147.02 to September 4, 2008. Discussion: None. Vote: All ayes. Motion carried.

PUBLIC PARTICIPATION

Eva Frano of 3070 Lakeshore Blvd. asked for explanation of the above motion regarding Plan Review Board and Ordinance No. 2008-40.

Response:

Law Director O'Donnell explained that the above motion extended the period by 30 days which the Plan Review Board needs to have a public hearing, they have 60 days from the time the plans are submitted to have a public hearing. The date would have been August 5; this gives the board an extension of time to review the plans. Ordinance No. 2008-41 pertains to the approval of the Codified Ordinances of the City of Willowick.

ADJOURNMENT

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

Meeting adjourned at 8:50 p.m.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL