

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

DATE: June 15, 2010
PLACE: City Hall
TIME: 7:30 p.m.

The twelfth 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, Malta, Patton, Allan, Salesky, Wells, and Vanni.

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

*Council President Moran requested an Executive Session this evening for discussion of personnel matters.

Approval of Minutes

Motion by Mr. Malta, seconded by Mr. Vanni, to approve the minutes of Regular Meeting of Council of June 1, 2010. Discussion: None. Vote: Ayes: Moran, Malta, Allan, Salesky, Wells and Vanni. Abstain: Mr. Patton. Motion carried.

Appointments, Special Resolutions & Proclamations

Special Resolution (Mayor Bonde) A Special Resolution acknowledging **Anthony Chesnes** of the United States Marine Corps for his heroism, service and commitment to his Country.

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 acknowledging and applauding the **Willowick-Eastlake American Legion Post 678** for their community service.

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

Administrative Appeals

Administrative Appeal
Order No. 2010-7

An Order granting a variance and exception to allow outdoor collection boxes in the application of Section 787.01 of the Codified Ordinances in Board of Zoning Appeals Case No. 21-297 Planet Aid/The Krone Group 240 Shoregate Mall.

Motion by Mr. Allan seconded by Mr. Vanni, to grant Administrative Appeal Order No. 2010-7 . Discussion: Mr. Malta stated he attended the Board of Zoning Appeals Meeting and had requested photos of the bins be submitted for Council review. No photographs have been received from Planet Aid at this time. Planet Aid explained at the BZA meeting they were interested in setting up bins rather than yellow containers. Mr. Malta reviewed the many collection bin/boxes throughout the city and does not feel the city should approve any more. Vote: All nays. Motion failed.

Administrative Appeal
Order No. 2010-8

An Order granting a variance and exception of 3' height 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. 21-300 Frank Stanich, 29517 Cresthaven Drive.

Motion by Mr. Malta, seconded by Mr. Patton, to grant Administrative Appeal Order No. 2010-8 Discussion: Mr. Stanich was present, had garage drawings with him should Council have any further questions. Vote: All ayes. Motion carried.

Administrative Appeal
Order No. 2010-9

An Order granting a variance and exception of 1144.8 sq. feet 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. 21-300 Frank Stanich, 29517 Cresthaven Drive.

Motion by Mr. Allan, seconded by Mr. Patton, to grant Administrative Appeal Order No. 2010-9 . Discussion: Mr. Stanich was present but had nothing to add. Vote: All ayes. Motion carried.

Reports & Communications from the Mayor/Safety Director

Mayor Bonde reviewed resolution on agenda this evening as well as a contract approval motion. Mayor explained the many complaints and calls he received with regard to the flooding after the recent downpour. Mayor Bonde stated he wanted to speak with each caller and explain the cause of flooding to certain homes throughout the city. Further stated he will be holding a meeting tomorrow, Wednesday, June 16th, 7:00 pm at the Community Center for further questions. City Engineer Juday prepared a map of the city highlighting areas with flooding. Mayor further explained a major issue was 3" of rainfall within 3 ½ hours and a second deluge of rainfall in the middle of the night. Explained sanitary sewers backed up in Euclid which then caused problems for Willowick. Provided and reviewed with Council a handout regarding sewer charges.

Discussion of Mayor's Report: Mr. Malta stated he spoke with Mr. Marucci and stated Mentor did not have any flooding as the entire city uses the splash method. Mr. Malta stated it is his understanding that Willowick uses the splash method commercially only and wondered if it were an option for residential as well in an attempt to avoid flooding of the sewer lines in the future.

Service Director Dominick stated the ordinance reads businesses can use the splash method, however it is on a case to case basis not the norm. Mr. Malta asked about one of the newest streets in the city flooding. Mayor Bonde added there were manhole covers in the city blowing off as well. Ms. Moran inquired as to whether the culvert from MiCasa could be undersized for the area. Mr. Juday would look into. Further discussion continued on possible causes of flooding throughout the city. Mr. Patton asked from a statistical standpoint, how much is 3" of rain. Mr. Juday stated he would need to calculate and get back with Mr. Patton. Mr. Juday added that CT is doing a study for Willoughby and their rain gauge received 2" of rain over the entire weekend, it is his understanding the 3" received in Willowick would also be over the course of the weekend. With the data received, it is not that much rain, explained to keep in mind there had been a previous 7 days of rain making the ground saturated and water had been rolling into the sewers at that time, putting the additional weekend rain on top of those waters could be what has caused flooding, a combination of many things is perhaps the best answer at this time. Ms. Moran asked Mr. Dominick if there were still hydro-brakes on 330th and 329th, remembers at one time there was discussion of removing them. Mr. Dominick stated his department believes there were not removed and City Engineer believes they were. Mr. Dominick will look into further and get back to Ms. Moran. Mr. Vanni stated he too has received calls and made visits to the residents that received flooding. Explained their frustrations to Mayor and Council. Mr. Salesky expressed his concerns with the sewer system in the city, hoped the city would look further into the ongoing issues.

General Communications & Reports – Directors & Officials

Service Director Joe Dominick –written report submitted.

Discussion: None.

Recreation Director Julie Kless no written report, there are 231 children in the camp this year with an additional 4 to be added by weeks end, every slot is filled in the Learn to Swim Program. The Danny Ertter Memorial Tournament took place this weekend, was a huge success, thanked Danny Ertter Jr. and Tim Neuman for all their hard work on the fields this weekend and the entire season. Ms. Kless thanked her staff for all their hard work and extra time they have been putting in. Reported to Council that she has 4 people in the department on salary; her staff put in a total of 220 hours over the last week and a half, the part time employees are only paid for 110 hours and the remainder their hours are unpaid. Expressed how dedicated her staff is and appreciates all the extra time they put in.

Discussion: Mr. Salesky stated the staff did a phenomenal job, received many positive comments for the 26 communities that participated in the tournament.

City Engineer Craig Juday no written report, updated Council on the response received from the County regarding the Outfall. The County has acknowledged the completion of work by the city's contractor, Trax. County will now take over with landscaping quotes and will be in process of closing out their contract with Trax. Still no word regarding the mitigation. Thomas Street has had the north side of street paved, in process of completing sidewalks and aprons after which time the south side will receive same. Agreement reached regarding Signalization Project, new poles have been decided. 2010 Pavement Repair Program has begun. Hopes to finalize details for the North Lakeshore/Glen Arden Project.

Discussion: None.

Finance Director Cheryl Benedict no written report, tax documents will be prepared and distributed for Council review by Monday, requests Tax Budget Hearing be set for next meeting, tax budget needs to be passed and filed before July 20th

Discussion: None.

Law Director John O'Donnell no written report, reviewed tower agreement not on the agenda this evening.

Discussion: Mr. Patton asked for an update on punch list submitted for Shoreland Crossings. Mr. O'Donnell responded it is his understanding it would be taken care of and would get back to Mr. Patton with further information when received.

Police Chief Michael Lazor –written report submitted. Explained a new, free program the department has signed up for. Would be posting information on Channel 20, the website and Courier to explain residents how to sign up for service. This program is for various notifications from the department sent directly the cell phones of subscribers.

Discussion: None.

Fire Chief Robert Posipanka –written report submitted, added the departments run totals are down, but still remain relatively close to projected amounts.

Discussion: None.

Chief Building Inspector Joe Dominick no written report. Updated Council on several projects in city.

Discussion: Mr. Malta inquired about the responsibility of grass cutting in an area between MiCasa Court and Fairway. There seems to be some question as to who is actually responsible for the area and the grass is quite high at this time. Mr. Malta provided Mr. Dominick with addresses on MiCasa and Fairway so he could advise. Mr. Dominick stated he would look into, but could not send his department over if it is the responsibility of Mr. Marucci. Mr. Salesky asked what the options are if the property belongs to Mr. Marucci and it is not being cut by him. Law Director O'Donnell stated whomever the property is owned by is responsible for its upkeep. Mr. Dominick assured Council that the issue would be handled either with the owner cutting or sending his department out to take care of.

WARD MATTERS

None.

PUBLIC PARTICIPATION

Pat Booher of 463 E. 324th Street asked the status of the soccer field fencing and lighting issue. She feels the soccer league has not been honest with the city. Explained the organization had residents sign a petition and that non-homeowners were also permitted to sign. Stated she was told by the league they had the funds to purchase the fencing which is not true. Her biggest concern is the parking on the street, as she cannot see when pulling out of her driveway. Stated the parking issues have gotten worse with the increase of games at the park and is extremely concerned with no resolution.

Response to Public Participation

Mayor Bonde responded he believes they are nowhere near ready to put lights in, is aware of polling residents regarding lighting. Mayor Bonde asked Ms. Booher if she were told the league was paying for the fence, she responded she was told the fence would not cost the city any money and would be coming from Dudley. Mayor Bonde stated the soccer parking must be removed from the street and parking at the church across the street. Mayor and Chief of Police are discussing options. Ms. Booher asked why they would need lights. Mayor Bonde responded they play their games at times until dark, however, they would first need to get permission from the residents and city. Mr. Malta stated Council voted down the fence approval by a 1-5 vote of Council as more information would be needed.

Reports of Standing Committees

Finance Committee – No report, joint meeting of the Finance and Budget Committees for Tuesday, July 6, 2010 at 6:00 pm.

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 meet Tuesday, July 6, 2010 at 7:00 pm to review claim submitted.

Budget Committee – Committee Chairman Patton requested a joint meeting of the Finance and Budget Committees for Tuesday, July 6, 2010 at 6:00 pm. Tax Hearing to be held Tuesday, July 6th at 8 pm.

Sewer & Storm water Task Force- No report.

Fire Department Development Committee - No report.

City Development Committee - No report.

LIAISON REPORTS

Hearts and Hammers: work session next Tuesday, June 22nd, invited Council to help out, contact Janet Bucci if interested.

FUND TRANSFERS & BID AUTHORIZATIONS

None.

CONTRACT APPROVALS

Motion by Mr. Salesky, seconded by Mr. Vanni, to authorize the Mayor to enter into a Communication Tower Agreement with Clear Wireless, LLC for a five (5) lease in the amount of \$500.00 per month with renewal periods of five (5) successive five (5) year periods. Discussion: None. Vote: All ayes. Motion carried.

INTRODUCTION & CONSIDERATION OF LEGISLATION

Ordinance No. 2010-25 An Ordinance repealing one parcel included
(Finance Director) in Ordinance No. 2010-20 and declaring an emergency.

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

Motion by Mr. Allan, seconded by Mr. Patton, to adopt Ordinance No. 2010-25.
Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2010-26 An Ordinance directing the Director of Finance
(Finance Director) 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. Vanni, 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 Ordinance No. 2010-26.
Discussion: None. Vote: All ayes. Motion carried.

Resolution No. 2010-12 A Resolution declaring it necessary to renew an existing
(Finance Director) One Mill Tax Levy for the purpose of constructing,
reconstructing, and otherwise improving sanitary and storm sewer
laterals and requesting the County Auditor to certify the total
current tax valuation of the City and the dollar amount of revenue
that would be generated by that renewal levy, and declaring an
emergency.

Motion by Mr. Patton, seconded by Mr. Vanni, 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. 2010-12.
Discussion: None. Vote: All ayes. Motion carried.

MISCELLANEOUS

Motion by Mr. Patton, seconded by Mr. Vanni, to approve Purchase Order No. 37239 to Grand River Asphalt in the amount of \$3,515.32 for asphalt road repairs. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Allan, to vacate the Regular Meetings of Council of July 20th and August 3rd, 2010. Discussion: None. Vote: All ayes. Motion carried

Motion by Mr. Patton, seconded by Mr. Salesky, to waive temporary sign permit fee for the Willowick Recreation Department (for Circus announcement banner) Discussion: None. Vote: All ayes. Motion carried.

PUBLIC PARTICIPATION

Peter Elliott of 30606 Crescent Drive, asked if there had been any dialog with the County Engineers office regarding long term improvements and costs. Feels this is a prime time to make the residents aware costs are escalating and perhaps a levy needs to be passed. The residents need to be made aware of the potential increases. Mr. Elliott volunteered to assist with looking into the sewer issues further as he has had many years of experience dealing with such things. Fully understands the position of the city and hopes to be able to assist the city in making the residents aware of the future costs the city will be faced with.

Response to Public Participation

Mayor Bonde responded the renewal being placed on the ballot is for laterals repairs only to the homes that have been identified as having problems from the tee to the street. Repairs are made when the city has the money to do so. Mr. Elliott explained his views on the problems and those he has seen in other communities.

ADJOURNMENT

Motion by Mr. Patton, seconded by Mr. Vanni to adjourn to Executive Session.

Discussion: None. Vote: All ayes. Motion carried. Meeting adjourned at 8:45pm.

Motion by Mr. Vanni, seconded by Mr. Patton to adjourn to return to Regular Meeting of Council. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Allan to adjourn. Discussion: None. Vote: All ayes. Motion carried. Meeting adjourned at 9:27pm.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL