

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

DATE: November 17, 2009
PLACE: City Hall
TIME: 7:30 p.m.

The twentieth 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 requested an Executive Session.

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

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

Approval of Minutes

Motion by Mr. Hintz, seconded by Mr. Vanni, to approve the minutes of Regular Meeting of Council of November 3, 2009. Discussion: None. Vote: Ayes: Moran, Allan, Vanni, Wells and Hintz. Abstain: Mr. Malta. Motion carried.

Appointments, Special Resolutions & Proclamations

None.

Administrative Appeals

Administrative Appeal Order No. 2009-22	An order granting a variance and exception to allow a ground sign to be placed on property other than the business it is intended for in the application of Section 1349.08 (b)(3) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-291, American Legion Willowick-Eastlake Post 678, 570 E. 328 th Street.
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Motion by Mr. Allan, seconded by Mr. Wells, to grant Administrative Appeal Order No. 2009-22. Discussion: Law Director O'Donnell explained to Council that the Board of Zoning Appeals approved this variance, stated this request is not only in the right of way but on a State Route, therefore ODOT prevents any use of right of way property, it is the recommendation of Law Director O'Donnell that Council vote to deny this and the following Administrative Appeal. Vote: Ayes: Mr. Wells. Nays: Moran, Allan, Vanni, Malta and Hintz. Motion failed.

Administrative Appeal
Order No. 2009-23

An order granting a variance and exception of 10' setback from the public right of way and 5' from the abutting business lot in the application of Section 1349.08 (d)(5) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-291, American Legion Willowick-Eastlake Post 678, 570 E. 328th Street.

Motion by Mr. Allan, seconded by Mr. Hintz, to grant Administrative Appeal Order No. 2009-23. Discussion: Ms. Moran stated she has been contacted by a business owner that owns the adjacent building and is willing to work with them for a solution. Members of the American Legion were present and understand the ODOT regulations, Mr. Omerza stated they do have some alternative they would be looking into and thanked Ms. Moran and Law Director O'Donnell for offer of further assistance. Ms. Moran will contact Mr. Omerza following further discussion. Vote: Ayes: Mr. Wells. Nays: Moran, Allan, Vanni, Malta and Hintz. Motion failed.

Reports & Communications from the Mayor/Safety Director

The Mayor reported the city is beginning to look at which roads are in need of repair, there is approximately \$800,000 in the account, asked for Council input on streets in their wards. He will be looking at several roads along with City Engineer Juday and Service Director Dominick. Reported the Finance Committee met this evening and the temporary budget will include a 75/25 split for EMS billing, 75% coming out of the EMS Fund and 25% out of the General Fund. *Experience Willowick* magazine should be ready soon, the city is receiving 10,000 copies at no cost to the city, all costs were paid for by area business advertisements. Copies will be distributed to all Lake County realtors. The city is looking for Willowick men and women on active duty, he would like to post their names and possibly pictures on the website and Channel 20, their names are currently on the board in front of City Hall. Anyone with information to share should contact his secretary, Helen Sebulski. The Directors are currently working on 2010 budget.

Mayor Bonde introduced Mr. Gary DeWine to update Council on the Storefront Renovations.

Mr. DeWine stated the Stebal Building is complete, the Malone Building is near completion. The next project is the Snider Building; the former Leader Drug Store. Mr. Dominick and Mr. Wells coordinated a meeting with the owner and he is very receptive to the idea of renovating the building. Stated he is asking for approval of this renovation, provided copies of the proposed renovation to Council and reviewed such. The building owner is very open to bringing storefronts back to the building and the possibility of getting 1 to 3 new tenants along with the 3 tenants currently in the building. Renovations would include new façade and windows as well as many other improvements, the estimated cost of renovation is between \$32,000 to \$35,000. There are time constraints in dealing with the County funding, building owner is ready to begin as well. Mr. DeWine stated the building should be complete within 3 months. Reminded Council that 50% is paid for by CDBG money and 50% funded by the building owner. Mr. Wells asked if the conduit running along the side of the building could be removed and painted so it is not so obvious, Mr. DeWine stated he would look into the condition. Mayor Bonde is hopeful the city will receive another grant with the next grant cycle

Discussion of Mayor's Report:

Mr. Vanni stated E. 324th, E. 328th, E. 329th are in very bad shape, the Mayor responded they are not being considered at this time but would be placed on the list, Mr. Malta requested the upper portion of Fairway near Eagle and Maplewood be considered as well.

General Communications & Reports – Directors & Officials

Service Director Joe Dominick written report submitted.

Discussion: None.

Recreation Director Julie Kless no written report, Christmas Boutique was held at Senior Center this past weekend and was very successful, updated Council on basketball sign-ups and schedule.

Discussion: None.

City Engineer Craig Juday no written report, reported all documents have been submitted for review on the Signalization Project, the bid opening for this project has been scheduled by ODOT for Feb.3, 2010.

Discussion: Ms. Moran asked for more information regarding the confined space motion on the agenda. Mr. Juday explained this motion was on the recommendation of the Planning Commission regarding the 200' culvert extension at the Larimar Project. ODOT informed the city of the need for inspection. It was the city's understanding that the developer had proceeded with the inspection and would provide written report, with no report provided or available, CT Consultants will serve as the back up inspector for this culvert. Law Director O'Donnell has been in contact with the developer and it is the city's intention to proceed with allowing CT to provide inspection services. Ms. Moran asked for an update on the restoration of the E. 322nd Street outfall. Mr. Juday responded that would be a direct contract through the County, they have been provided with all necessary drawings to proceed with the remaining restoration. Law Director O'Donnell further updated on his correspondence to Mr. Bettley regarding the culvert inspection. According to response from the developer, the inspection had been done approximately 6 months ago and a report would be forthcoming, to date no report has been made available. Mr. Vanni stated it is his opinion that the city should go forward in allowing CT to inspect the space.

Finance Director Cheryl Benedict no written report submitted.

Discussion: None.

Law Director John O'Donnell no report, reviewed legislation on the agenda this evening.

Discussion: No discussion for Mr. O'Donnell, Mr. Wells addressed City Engineer Juday regarding the Thomas Street Project. Mr. Juday responded the project should begin next week and notices were sent. Mayor Bonde stated he sent notices to the residents of the street and had a meeting to explain what the project would entail.

Police Chief Michael Lazor –no written report.

Discussion: None.

Fire Chief Robert Posipanka –written report submitted.

Discussion: None.

Chief Building Inspector Joe Dominick no written report submitted.

Discussion: Mr. Hintz asked if there were any updates regarding the lot on Oakdale, some construction had begun but seems to be at a stand still. Mr. Dominick stated he has had contact with the property owner and owner stated he would make an effort to clean up the area. Mr. Hintz stated the sidewalks have been completed, some dirt had been thrown on the lot, however weeds are now growing out of the soil. The temporary power poll is his biggest concern at this time as it appears to have live power. Mr. Dominick stated he would look into the lot further.

WARD MATTERS

Mr. Malta stated he received a call from Carol Martz of the Shoregate United Methodist Church offering assistance to any senior or resident in need. Contact Mr. Malta with any name.

PUBLIC PARTICIPATION

None.

**Ms. Moran reminded Directors and Chiefs that any items for the agenda of December 1st would need to be provided to the Council Clerk no later than next Wednesday, November 25th for their inclusion as City Hall offices will be closed for Thanksgiving, Thursday, Nov. 26th and Friday Nov. 27th.

Reports of Standing Committees

Finance Committee – Committee met this evening to discuss providing additional funds to the Earned Benefits Fund and the change to the Fire Department operational cost allocations.

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.

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: No report.

Community Energy Awareness Committee: No report, committee meeting scheduled for Thursday November 19, 2009 at 7:00 pm

FUND TRANSFERS & BID AUTHORIZATIONS

None.

CONTRACT APPROVALS

Motion by Mr. Malta, seconded by Mr. Wells, authorizing the Mayor to enter into a contract with Jomar Company for an amount not to exceed \$19,452. for the storefront renovation project located at 31132 Vine Street(The Snider Property). Discussion: None. Vote: All ayes. Motion carried.

INTRODUCTION & CONSIDERATION OF LEGISLATION

Ordinance No. 2009-87 An Ordinance amending Section 1163.07
(Law Director) of the Codified Ordinances of the City of Willowick
and declaring an emergency.

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

Motion by Mr. Allan, seconded by Mr. Hintz, to adopt Ordinance No. 2009-87.
Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2009-88 An Ordinance amending Section 1337.01(m)(3)
(Law Director) of the Codified Ordinances of the City of Willowick
and declaring an emergency.

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

Motion by Mr. Allan, seconded by Mr. Vanni, to adopt Ordinance No. 2009-88.
Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2009-89 An Ordinance amending Section 543.05
(Law Director) of the Codified Ordinances of the City of
Willowick and declaring an emergency.

Motion by Mr. Allan, 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. Vanni, to adopt Ordinance No. 2009-89.
Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2009-90
(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. Allan, seconded by Mr. Vanni, to waive the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Allan, seconded by Mr. Hintz, to adopt Ordinance No. 2009-90. Discussion: None. Vote: All ayes. Motion carried.

MISCELLANEOUS

Motion by Vanni, seconded by Mr. Malta, to approve the recommendation of the Planning Commission to authorize CT Consultants Confined Space Entry Inspector or allowing CT Consultants to hire an independent Confined Space Entry Inspector to inspect the storm outfall at Larimar by December 31, 2009. Vote: All ayes. Motion carried.

Motion by Mr. Allan, seconded by Mr. Vanni, authorizing CT Consultants to evaluate the Larimar Outfall for an amount not to exceed \$2,500.00 Discussion: Vote: All ayes. Motion carried.

Motion by Mr. Malta, seconded by Mr. Vanni, authorizing an additional \$500.00 reimbursement for the storefront renovation project located at 28898, 28900, 28902, 28904, and 28906 Lakeshore Blvd. (Malone Property). Discussion: Mr. Allan asked for further information on this motion. Finance Director Benedict explained that the project went over budget and the additional funds are needed, reminded Council that the building owner is responsible for 50% and the remaining 50% would be covered by the CDBG money. Vote: All ayes. Motion carried.

Motion by Mr. Allan, seconded by Mr. Vanni, to begin the Regular meeting of Council of Tuesday, December 15, 2009 at 7: 00 pm. Discussion: None. Vote: All ayes. Motion carried.

PUBLIC PARTICIPATION

None.

ADJOURNMENT

Motion Mr. Vanni, seconded by Mr. Hintz to adjourn to Executive Session. Discussion: None. Vote: All ayes. Motion carried. Meeting adjourned at 8:05 pm.

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

Motion by Mr. Malta, seconded by Mr. Vanni, to adjourn. Discussion: None. Vote: All ayes. Motion carried. Meeting adjourned at 8:57 pm

ATTEST: _____
CLERK OF COUNCIL

PRESIDENT OF COUNCIL

