

**CITY OF WILLOWICK
LAKE COUNTY, OHIO**

MINUTES AND PROCEEDINGS OF A REGULAR MEETING COUNCIL

DATE: November 20, 2007
PLACE: City Hall
TIME: 7:30 p.m.

The twenty-second 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, Wells, Patton, Vanni, Perpar and Tague.

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

Approval of Minutes

Motion by Mr. Allan, seconded by Mr. Vanni, to approve the minutes of regular meeting of Council of October 16, 2007. Discussion: Mr. Wells stated that the minutes of October 16, 2007 should be amended to reflect that on Page 136, *Ward Matters*: he was indeed correct in his observance of the condition of the grass on Lakeland Blvd. Vote: All ayes. Motion carried as amended.

Motion by Mr. Allan, seconded by Mr. Vanni, to approve minutes of Special Meeting of Council of October 23, 2007. Discussion: None. Vote: Ayes: Moran, Vanni, Patton, Wells and Perpar. Abstain: Mr. Allan, Ms Tague. Motion carried.

Motion by Mr. Allan, seconded by Mr. Perpar, to approve minutes of Special Meeting of Council of October 29, 2007. Discussion: None. Vote: Ayes: Allan, Vanni, Patton, Wells and Perpar. Abstain: Ms. Moran, Ms. Tague. Motion carried.

Appointments, Special Resolutions & Proclamations

Proclamation (Mayor Bonde)	A Proclamation declaring the Month of November as National Home Care Month.
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Special Resolution (Mayor Bonde)	A Special Resolution recognizing December 1, 2007 as "World AIDS Day".
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Motion by Mr. Perpar, seconded by Mr. Patton to adopt Special Resolution. Discussion: None
Vote: All ayes. Motion carried.

Administrative Appeals

Administrative Appeal
Order No. 2007-21

An Order granting a variance and exception of 1' 7" 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. 21-249, Rick Pugh, 31434 Wellner. **(10/16/07 tabled)**

Motion by Mr. Perpar, seconded by Mr. Patton to bring Administrative Appeal Order No. 2007-21 back to the table. Discussion: None. Vote: All ayes Motion carried.

Motion by Mr. Perpar, seconded by Mr. Patton to grant Administrative Appeal Order No. 2007-21. Discussion: Mrs. Pugh was present but chose not to speak at this time. Mr. Perpar asked for clarification of the drawing, Mrs. Pugh pointed out the new garage was drawn in red and the existing garage was in blue. Vote: All ayes. Motion carried.

Administrative Appeal
Order No. 2007- 22

An Order granting a variance and exception of 504 sq. ft. 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. 21-249, Rick Pugh, 31434 Wellner. **(10/16/07 tabled)**

Motion by Mr. Perpar, seconded by Mr. Allan to bring Administrative Appeal Order No. 2007-22 back to the table. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Perpar, seconded by Mr. Patton to grant Administrative Appeal Order No. 2007-22. Discussion: Mrs. Pugh asked for the process once Council votes and if any members of Council have come to the site. Ms. Moran explained the process of the appeal. Neighbor Mr. Muzychenko was also present, stated this is a commercial sized building, will hinder the sun in his yard and feels his property values would be significantly devalued if this garage were permitted. Mr. Perpar added that the size the city permits 24 x 24. Ms. Moran, Mr. Allan, Mr. Perpar and Mr. Vanni have been to the property and Mr. Patton called several times and left messages. Vote: Ayes: Allan, Vanni and Perpar. Nays: Moran, Tague, Patton and Wells. Motion failed.

Administrative Appeal
Order No. 2007-28

An Order granting a variance and exception of 40 sq. feet for a tool shed in the application of Section 1171.01(c) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-252, Richard Baker, 29319 Cresthaven.

Motion by Mr. Perpar, seconded by Mr. Patton to grant Administrative Appeal Order No. 2007-28. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal
Order No. 2007-29

An Order granting a variance and exception of 1'6" height for a tool shed in the application of Section 1171.01(c) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-252, Richard Baker, 29319 Cresthaven.

Motion by Mr. Perpar, seconded by Mr. Patton to grant Administrative Appeal Order No. 2007-29. Discussion: None. Vote: All ayes. Motion carried.

Reports & Communications from the Mayor/Safety Director

Mayor Bonde has requested an Executive Session after his report for discussion of real estate. Would like to schedule a meeting with Finance and Budget Committee for discussion of the Street Lighting Fund. Some decisions may need to be made before the end of the year regarding such. The budget is progressing and will be provided when complete. Reviewed the number of voters in Ward 3 are almost the same as Wards 1 and 2 combined. There are two vacancies on the Recreation Board, please let him know if you know of someone interested. Reviewed a Purchase Order on the agenda. Briefly reviewed the Audit Report. Discussed graffiti in the city and the new policy in place. Congratulated the St. Mary Magdalene/St. Justin Football Team on their championship win.

Discussion of Mayor's Report: Mr. Patton stated he has received calls requesting Council meetings be televised, asked if this were a possibility. Mayor Bonde responded that he believes this could be done and would look into further.

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

Meeting adjourned at 7:58 p.m.

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

General Communications & Reports – Directors & Officials

Service Director Joe Dominick submitted his written report, added the leaf pick up is running on schedule and will continue until the all leaves have fallen. Yard waste pick up will continue until the end of November.

Discussion: Mr. Wells questioned several areas where the new street striping does not seem completed. Mr. Dominick stated he would look into the areas.

Recreation Director Julie Kless submitted and reviewed her written report, asked for approval of Purchase Order on the agenda.

Discussion: None.

City Engineer Craig Juday did not have a formal report, provided Council with 2008 Capital Improvement Projects outline, will have more detailed worksheet by the end of the year.

Discussion: Mayor Bonde made the suggested to Council to look over the list of street repairs and notify Mr. Juday if there were a street in their ward in need of repair not on the list. Ms. Moran asked for an update on Outfall water samples. Mr. Juday explained there were more forms needed and he is in the process of submitting.

Finance Director Cheryl Benedict submitted written report.

Discussion: Mr. Wells voiced his concern over contractors registering with the city and paying the taxes due. Mrs. Benedict explained the process by which the taxes are collected.

Law Director John O'Donnell: reviewed legislation on the agenda, asked that Ordinance pertaining to unsafe structures Section 1331, be placed on first reading.

Discussion: None.

Police Chief Michael Lazor: Lt Krockner present for Chief Lazor did not have a written report this evening, however, wanted to thank the Service Department for their hard work on the shooting range, reviewed and asked for approval of two Purchase Orders on the agenda and asked that outdated range equipment be declared as surplus.

Discussion: None.

Motion by Mr. Perpar, seconded by Mr. Allan, to declare various Police firing range items as surplus. Discussion: None. Vote: All ayes. Motion carried.

Fire Chief Robert Posipanka submitted written report; announced 2 firefighters have attained Paramedic certification, bringing the department total to 43 paramedics.

Discussion: None.

Chief Building Inspector Joe Dominick did not have a written report.

Discussion: None.

WARD MATTERS

Ms. Tague thanked the Police and Fire Departments for their assistance in providing a Child Safety Seat check on October 23, 2007. Asked Mayor Bonde as Safety Director if they city could get a Police Officer or Firefighter recertified in booster seat installation. Asked if the city participated in the Safe Kids Coalition of NEO and if they did not she would be able to provide some assistance in joining. Mr. Wells asked for additional recycle bins, asked if the police patrolled the area and how often the Service Department cleans the area. Mr. Dominick stated the Service Department cleans the area several times a day and that the city has requested more bins be provided and as of yet have not received them. Mr. Wells also commented on the poor attendance at the City auction and asked if the items could be placed on e-bay for sale online. Mr. Dominick stated the city did sell a car and generator on e-bay and explained that each transaction is billed for, further explained the tremendous amount of time that would be needed

to monitor all of items. Mr. Dominick stated it is beneficial to place larger items online, such as the fire truck and camera truck.

PUBLIC PARTICIPATION

Rick Skerl of 20187 Golder Ave., Euclid is the owner of Payless Brake Service located on the corner of Vine Street read a letter explaining his displeasure with the rumor that the building he is leasing may be sold. Mr. Skerl explained his business repairs approximately 350 cars per month, that he has signed a long lease with the owner of the building, and business has dropped off considerably since a flyer went out to residents explaining plans on Vine Street.

Julie Liebenhauer of asked the procedure for the Moral Claim she submitted.

Response: Mr. Allan apologized to Mrs. Liebenhauer because he was not aware she arrived early to attend the Moral Claim hearing, explained the committee met and will be recommending her claim be approved.

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 met and recommends that the Moral Claim be approved in the amount of \$430.00

Motion by Mr. Patton, seconded by Mr. Perpar, to approve Moral Claim in the amount of \$430.00 for repairs to the motor vehicle. 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

None.

FUND TRANSFERS & BID AUTHORIZATIONS

None.

CONTRACT APPROVALS

Motion by Mr. Patton, seconded by Mr. Perpar, authorizing the Mayor to enter into a one-year agreement with Morton Salt in the amount of \$38.48 per ton with a twenty-ton minimum, delivered and dumped for road salt. Discussion: None. Vote: All ayes. Motion carried.

INTRODUCTION & CONSIDERATION OF LEGISLATION

Ordinance No. 2007-87 (Law Director) An Ordinance amending Ordinance No. 2005-92, an Ordinance adopting the Tax Increment Financing and Development Agreement between the City of Willowick and the Marucci Group, LLC, adopting the First Amendment to the Tax Increment Financing and Development Agreement between the City of Willowick and the Marucci Group, LLC, and declaring an emergency.

Ordinance No. 2007-87 remains tabled at this time. No action taken.

Ordinance No. 2007-91 (Law Director) An Ordinance amending Section 133 of the Codified Ordinances of the City of Willowick by establishing Fund 232, The Law Enforcement CPT Fund, and declaring an emergency.

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

Motion by Ms. Tague, seconded by Mr. Patton to adopt Ordinance No.2007-91. Discussion: None. Vote: All ayes. Motion carried.

(The Fiscal Officer's Certificate was presented to Council and the Clerk prior to the introduction of Ordinance No. 2007-92.)

Ordinance No. 2007-92 (Finance Director) An Ordinance providing for the issuance and sale of notes in the maximum principal amount of \$850,000., in anticipation of paying a portion of the cost of improving Royalview Drive between certain termini by grading, draining paving and replacing and constructing curbs, sidewalks, driveway aprons, water mains, valves, fire hydrants, storm sewers, catch basins, manholes and water service connections, all together with the necessary appurtenances thereto, 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. Patton, seconded by Mr. Vanni to adopt Ordinance No.2007-92. Discussion: None. Vote: All ayes. Motion carried.

(The Fiscal Officer's Certificate was presented to Council and the Clerk prior to the introduction of Ordinance No. 2007-93.)

Ordinance No. 2007-93 An Ordinance providing for the issuance and sale of
(Finance Director) notes in the maximum principal amount of \$350,000., in
anticipation of the issuance of bonds, for the purpose of
paying costs of improving the municipal sewerage system,
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. Patton, seconded by Mr. Vanni to adopt Ordinance No. 2007-93.
Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2007-94 An Ordinance amending Chapter 1331, Division of
(Law Director) Building Engineering and Inspection to regulate
unsafe structures, and declaring an emergency.

Ordinance No. 2007-94 was placed on first reading.

Ordinance No 2007-95 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. Perpar, seconded by Mr. Patton, to waive the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Perpar, seconded by Mr. Patton, to adopt Ordinance No. 2007-95.
Discussion: None. Vote: All ayes. Motion carried.

Ordinance No 2007-96 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. Patton, seconded by Mr. Allan, to waive the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Allan, to adopt Ordinance No. 2007-96.
Discussion: None. Vote: All ayes. Motion carried.

Ordinance No 2007-97
(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. Perpar, seconded by Mr. Patton, to waive the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Patton, to adopt Ordinance No. 2007-97.
Discussion: None. Vote: All ayes. Motion carried.

Ordinance No 2007-98 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. Vanni, seconded by Mr. Perpar, to waive the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Allan, to adopt Ordinance No. 2007-98.
Discussion: None. Vote: All ayes. Motion carried.

Ordinance No 2007-99 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. Perpar, seconded by Mr. Patton, to waive the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Perpar, seconded by Mr. Vanni, to adopt Ordinance No. 2007-99.
Discussion: None. Vote: All ayes. Motion carried.

Ordinance No 2007-100 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. Perpar, seconded by Mr. Vanni, to waive the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Patton, to adopt Ordinance No. 2007-100.
Discussion: None. Vote: All ayes. Motion carried.

Ordinance No 2007-101 (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. Perpar, seconded by Mr. Allan, to waive the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Patton, to adopt Ordinance No. 2007-101. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No 2007-102 (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. Perpar, to waive the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Perpar, to adopt Ordinance No. 2007-102. Discussion: None. Vote: All ayes. Motion carried.

MISCELLANEOUS

Motion by Mr. Wells, seconded by Mr. Patton, to approve Purchase Order No. 32698 in the amount of \$ 3,661.85 to Heiman Fire Equipment for the purchase of a fan, blower and exhaust hose. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Wells, to approve Purchase Order No. 32893 in the amount of \$22,742.00 to Statewide Ford for the purchase of a 2008 Crown Victoria police vehicle. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Perpar, seconded by Mr. Vanni, to approve Purchase Order No. 33103 in the amount of \$11,200.00 to Signal Services for the repair of a traffic signal damaged at E. 305 and Route 2. **(Approved by telephone poll of Council 11/9/07)** Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Perpar, seconded by Mr. Vanni, to approve Purchase Order No. 32904 in the amount of \$6,413.05 to Dell Inc. for the purchase of 1 PowerEdge 1900 File Server for the Police Department. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Perpar, seconded by Mr. Patton to approve Purchase Order No. 32533 in the amount of \$5,600. to Knight Athletics for the purchase of 4 backboards with electric height adjustment. (includes removal of existing adjusters and installation of new) Discussion: None. Vote: All ayes. Motion carried.

PUBLIC PARTICIPATION

None.

ADJOURNMENT

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

Meeting adjourned at 9:25 p.m.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL