

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

DATE: October 20, 2009  
PLACE: City Hall  
TIME: 7:30 p.m.

The eighteenth meeting of Council was called to order by Council Clerk Russo in the absence of Council President Moran followed by the Pledge of Allegiance to the Flag and Invocation.

Council Clerk Russo asked for nominations for Council President Pro Tem. Mr. Wells nominated Mr. Allan. No further nominations were made.

Motion by Mr. Wells, seconded by Mr. Hintz, approving the appointment of Andy Allan as Council President Pro Tem for this evenings meeting. Discussion: None. Vote: Ayes: Patton, Wells, Vanni and Hintz. Abstain: Mr. Allan. Motion carried.

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

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

**Approval of Minutes**

Motion by Mr. Hintz, seconded by Mr. Patton, to approve the minutes of Regular Meeting of Council of October 6, 2009. Discussion: None. Vote: All ayes. Motion carried.

**Appointments, Special Resolutions & Proclamations**

None.

**Administrative Appeals**

Adminstrative Appeal Order No. 2009-17	An order granting a variance and exception to allow more than one outbuilding on a lot in the application of Section 1171.01(G)(1) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-280, Steve Stigamier, 320 E. 293 <sup>rd</sup> Street.
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Motion by Mr. Hintz, seconded by Mr. Vanni, to approve Administrative Appeal Order No.2009-17. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2009-18 An order granting a variance and exception of 5'9" distance between houses with greenboard installed to increase safety of the family in the application of Section 1163.06(b) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-281, Charles P. Reid 30223 Thomas Street.

Motion by Mr. Patton, seconded by Mr. Hintz, to approve Administrative Appeal No.2009-18. Discussion: Mr. Wells asked if anyone from the Fire Department were contacted regarding the variance. Law Director O'Donnell stated Fire Marshall Simonian was present at the Board of Zoning Appeals hearing and approved plan with the inclusion of the greenboard. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2009-19 An order granting a variance and exception to allow a district use exception to allow above ground storage tanks for diesel fuel in the application of Section 1502.12(i) and 1502.06(a) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-282, Sultana Nolidis, Craig Neyman-Toss, 30521 Euclid Avenue.

Motion by Mr. Patton, seconded by Mr. Malta, to approve Administrative Appeal No.2009-19. Discussion: Representative present for questions. Mr. Vanni asked about safety. Law Director O'Donnell stated Section 1502.06 requires that it be pursuant to the fire code. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2009-20 An order granting a variance and exception to allow a district use exception to allow above ground storage tanks for diesel fuel in the application of Section 1502.12(i) and 1502.06(a) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-283, Sultana Nolidis, Jim Zdesar,30521 Euclid Avenue.

Motion by Mr. Vanni, seconded by Mr. Patton, to approve Administrative Appeal No.2009-20. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2009-21 An order granting a variance and exception for front yard parking in the application of Section 1163.105(A)(1)(2)(3)(B)(D) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-290, Armand Weaver, 125 E. 291<sup>st</sup> Street.

Motion by Mr. Vanni, seconded by Mr. Patton, to approve Administrative Appeal No.2009-21. Discussion: Mayor Bonde asked if anyone knew the vote on this variance. BZA Board member Allan Adoryan present in the audience and stated vote was unanimous, added Mr. Weaver's neighbor has a lot and a half and Mr. Weaver requesting a 7' variance, given the size of the lot, the committee felt it would not look out of place. Mr. Weaver present. Vote: All ayes. Motion carried.

## **Reports & Communications from the Mayor/Safety Director**

Mayor Bonde requests an Executive Session for discussion of personnel.

The Mayor presented the awards received by Hearts and Hammers for their outstanding work. Discussed Storefront Renovation Project stating is beginning to move along very well. The Stebal Building is looking very nice. Is working with the County to see if there were any CDBG monies left to receive, if not, city would reapply next year. Reviewed flu shots and hand sanitizers in the city. Commended the Recreation Department on the success of the first Arts and Crafts Fair that took place this past weekend. Thanked Mike Necci for all his hard work putting this together, there were approximately 45-50 vendors. Engineers report is back regarding the count on Vine Street in front of St. Mary Magdalene and the crosswalk does not qualify for the working traffic signal, therefore there will be a flashing light and large painted crosswalk. All other intersections passed for funding by the State. The exercise equipment for the senior wellness/walking trail will be arriving soon, but not put into place until the spring. This equipment was purchased through the Senior Levy.

### **Discussion of Mayor's Report:**

None.

## **General Communications & Reports – Directors & Officials**

**Service Director Joe Dominick** written report submitted, asked Council to declare items on auction list as surplus and placed up for auction.

**Discussion:** None.

**Recreation Director Julie Kless** submitted written report, asked Council to permit Mayor to enter into a contract with Myers Equipment in the amount of \$81,990 for the senior bus.

**Discussion:** Mayor Bonde added the two bids received were within \$7.00 of each other.

**City Engineer Craig Juday** no written report, updated Council on the signalization project, reports received from ODOT, is preparing response and will turn back in as soon as possible. All intersections in the city will be 100% fundable with the exception of the St. Mary Magdalene crosswalk, which will be a flashing yellow light and midblock crosswalk. With regard to the North Lakeshore Blvd/Glen Arden project, final and formal funding application to OPWC. Money would not be available until July 1, 2010.

**Discussion:** Mr. Wells asked if there could be a second pedestrian count in front of St. Mary Magdalene. Mr. Juday stated it could be done; however, the numbers were very low during the Oktoberfest and has doubts that a new study would prove higher. Mayor Bonde is in agreement with Mr. Juday regarding going forward with the planned flashing yellow light and midblock crosswalk.

**Finance Director Cheryl Benedict** no written report.

**Discussion:** None.

**Law Director John O'Donnell** no report, stated legislation on the agenda pertains to parking at intersections and stop signs at the request of the Streets, Sidewalks and Sewers Committee and Council.

**Discussion:** None.

**Police Chief Michael Lazor** –no written report.

**Discussion:** None.

**Fire Chief Robert Posipanka** – submitted written report.

**Discussion:** None.

**Chief Building Inspector Joe Dominick** no written report, added that there is a motion for the grass-cutting contract on the agenda, asked for approval of such.

**Discussion:** Mr. Allan inquired how the shopping cart collections are going. Mr. Dominick stated it has slowed down significantly and the shopping cart corrals were delivered today which will help tremendously with the stray carts. Mayor Bonde reminded Mr. Dominick the carts the city has collected must be dealt with. Mr. Dominick stated Marc's has not responded to any of the mailings sent to them and the city is in possession of approximately 35 of their carts. Stated all the other stores came and got their carts in a timely manner. Mr. Patton asked if the carts could be declared scrap. Law Director O'Donnell stated the city needs to wait a reasonable amount of time before disposing of them. Mr. Patton asked what a reasonable amount of time was. Mr. O'Donnell stated the legislation does not state a time line, perhaps there should be an amendment made. The ordinance just took effect in September and Marc's should have a little more time to retrieve their carts.

### **WARD MATTERS**

None.

### **PUBLIC PARTICIPATION**

None.

### **Reports of Standing Committees**

**Finance Committee** – No report.

**Safety Committee** – No report.

**Service, Utilities & Public Lands Committee** – No report.

**Streets, Sidewalks & Sewers** – No report, stated amended minutes have been filed with the Clerk of Council.

**Tax Compliance Committee** – No report.

**Moral Claims Committee** –No report, committee will meeting November 3, 2009 at 7:00 pm for a claim received. Mr. Patton asked if any of the committee members had or would be contacting Aven Marts with regard to his claim filed. Mr. Allan stated he would be calling Mr. Marts tomorrow.

**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.

### **FUND TRANSFERS & BID AUTHORIZATIONS**

Motion by Mr. Patton, seconded by Mr. Vanni, authorizing the Mayor to enter into a contract with Myers Equipment for the purchase 28-passenger bus for the Senior Center in the amount of \$81,990. Discussion: Mr. Patton stated for the record that this purchase is a budgeted item and will be paid for from the Senior Citizen's Levy Fund. Mr. Wells stated he has talked to Ms. Kless, Russ Tenerove, Dale Crowely and Joe Dominick with regard to this bus being diesel, as it is his experience that they do not start in the winter and cold weather. Would like a bus that is fueled by gas only, further stated he requested a 32 passenger bus and noticed this is a 28 passenger with some handicapped seats that can convert making it a 31 passenger. Ms. Kless responded stating that she spoke with both vendors that placed bids with the city and both stated gas is not available. The bus will come with a block heater to warm the engines in the winter; the Service Department will be placing outdoor electricity to accommodate the heater for the bus. Vote: All ayes. Motion carried.

### **CONTRACT APPROVALS**

Motion by Mr. Patton, seconded by Mr. Vanni, authorizing the Mayor to enter into a contract with Bob Cutrona Landscape Co. in the amount of \$112,863.65 for city grass cutting. Discussion: Finance Director Benedict asked Mr. Dominick if this were a one-year contract. Mr. Dominick added it is a three year, Mrs. Benedict added the bid is for four year. Mr. Patton requests an Amended Motion.

Motion by Mr. Vanni, seconded by Mr. Hintz to amend the Motion to include a 4-year contract. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Patton authorizing the Mayor to enter into a 4-year contract with Bob Cutrona Landscape Co. in the amount of \$112,863.65 for city grass cutting. Discussion: None. Vote: All ayes. Motion carried, as amended.

