

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

DATE: October 21, 2008  
PLACE: City Hall  
TIME: 7:30 p.m.

The nineteenth 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, Fire Marshal Simonian and Council Clerk Russo.

**Approval of Minutes**

Motion by Mr. Vanni, seconded by Mr. Malta, to approve the minutes of Regular Meeting of Council of October 7, 2008. Discussion: None. Vote: Ayes: Allan, Vanni, Patton, Malta, Wells and Hintz. Abstain: Moran. Motion carried.

**Appointments, Special Resolutions & Proclamations**

Oath of Office to Christopher M. Olup as an Officer of the Willowick Police Department administered by Mayor Richard Bonde.

**Administrative Appeals**

Administrative Appeal Order No. 2008-18	An Order granting a variance and exception of 20' front yard setback for Lakeshore Blvd. in application of Section 1163.12 of the Codified Ordinances in Board of Zoning Appeals Case No. 21-267, Erieside Church, 221 E. 320 <sup>th</sup> Street.
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Motion by Mr. Allan, seconded by Mr. Hintz to approve Administrative Appeal Order No. 2008-18. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2008-19	An Order granting a variance and exception of 20' front yard setback in application of Section 1163.10 of the Codified Ordinances in Board of Zoning Appeals Case No. 21-267, Erieside Church, 221 E. 320 <sup>th</sup> Street.
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Motion by Mr. Allan, seconded by Mr. Hintz to approve Administrative Appeal Order No. 2008-19. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2008-20 An Order granting a variance and exception of 74' west sideline in application of Section 1147.14(e) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-259, Senior Mid-Rise Building, 30803 Lakeshore Blvd.

Motion by Mr. Patton, seconded by Mr. Vanni to postpone Administrative Appeal Order No. 2008-20. Discussion: Mr. Wells asked if there were new plans submitted that he may view Ms. Moran stated she would see that he got the most recent plans for review. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2008-21 An Order granting a variance and exception of 84.7' east sideline in application of Section 1147.14(e) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-259, Senior Mid-Rise Building, 30803 Lakeshore Blvd.

Motion by Mr. Patton, seconded by Mr. Vanni to postpone Administrative Appeal Order No. 2008-21. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2008-22 An Order granting a variance and exception of 1.078 acreage in application of Section 1147.13(a) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-259, Senior Mid-Rise Building, 30803 Lakeshore Blvd.

Motion by Mr. Patton, seconded by Mr. Vanni to postpone Administrative Appeal Order No. 2008-22. Discussion: Ms. Moran stated these appeals would not be up for discussion or voted on until possibly the last meeting of November. The homeowner adjacent to this property stated the new plans submitted included the building coming 15 feet from his property line, it was moved to the middle of the property only. There were no changes to the height of the building. Vote: All ayes. Motion carried.

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

Mayor Bonde reported the children's memorial garden was dedicated this past Saturday. It will be known as the butterfly garden. There were approximately 150 people in attendance for the dedication. He expressed his gratitude of the committee that put it altogether. Has been working with the veteran's from the American Legion about the possibility of a garden and sign being placed at the entrance of the city at the exit ramp of Route 2. The city will maintain the property once completed. Bids on trash collection received, 3 bids submitted, asked for alternate quotes on alternate week curbside recycling to be included with the bids. All bids were substantially higher than previous years, mostly due to rising fuel costs. Mayor would like to investigate the cost of everyone having the same trash container. The Mayor met with Mr. Krone and Laketran to discuss bus stop issues. Laketran is proposing the construction of two big shelters with seating inside and outside as well as a cart collection area. There was some discussion of moving the stop to the side of Marc's near Shoreland Crossings, after discussion it does not seem to be an option for the shopping center. Mayor will be requesting the Recreation Department look into options for families in the city who may not be able to afford the programs. Mayor sending letter to the area churches and working with United Way proposing the establishment of a program to

adopt a senior or family in need of assistance for their homes. Reviewed several house fires the city had this week.

**Discussion of Mayor's Report:**

Ms. Moran asked if the traffic pattern were going to be improved at Shoregate. It needs to be dealt with soon, asked who would pay for the new garbage bins. Mayor reviewed several changes with the Shopping Center, stated once all contracts are in place the owner intends on resurfacing the entire lot. Ms. Moran feels the traffic pattern cannot wait until the contracts are signed, the problem is dangerous and should be dealt with very soon. Mr. Malta asked how long the contract lasts for trash pick up. Finance Director Benedict stated three years with a two year extension. Discussion had on the bids and the method used to determine best bid.

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

**Service Director Joe Dominick** was not present, submitted written report.

**Discussion:** None.

**Recreation Director Julie Kless** submitted and reviewed written report.

**Discussion:** None.

**City Engineer Craig Juday** no written report, reviewed several projects. Regarding the outfall, still waiting to hear from the Army Corps. regarding the mitigation. Outfall contractor to make submittals to CT for review.

**Discussion:** None.

**Finance Director Cheryl Benedict** submitted written report, reviewed legislation.

**Discussion:** None.

**Law Director John O'Donnell** no report, requested Executive Session for discussion of imminent litigation.

**Discussion:** None.

**Police Chief Michael Lazor** – monthly report filed, reviewed Purchase Order on agenda this evening, asked for approval. Also reviewed process used to determine best bid regarding seven in car video systems. Made recommendation of contract for such. Thanked Bruce LaForge for the work he did regarding an \$18,000 thermal detection system and training, the city will receive the system and training at no cost.

**Discussion:** Ms. Moran asked if the city received any insurance money for the cruiser that was totaled. Chief Lazor stated the city received \$18,000.

**Fire Chief Robert Posipanka** – submitted written report, thanked Erieside church for allowing the department the opportunity to use a home they scheduled for demolition as a training facility for three days. Asked if Fire Marshal Simonian would be permitted to give report.

**Discussion:** None.

**Fire Marshal Terry Simonian:** reported Energizer batteries have donated replacement batteries for the smoke detector program, Pat Catan's donated \$100.00 and Lowe's matched the \$100.00 donation for the purchase of 25 new smoke detectors. The department has partnered with the National Fire Safety Council to have local businesses sponsor fire safety programs for children. The department has received a \$2,500. grant from State Farm Insurance for a 911 simulator which will be used to educate the young children and residents on the proper use of the 911 system. Added that the area departments share the teaching tools they have available.

**Discussion:** None.

**Chief Building Inspector Joe Dominick** was not present, submitted written report.

**Discussion:** None.

### **WARD MATTERS**

Mr. Malta announced Mrs. Warner is now in compliance with the pet ordinance.

### **PUBLIC PARTICIPATION**

Terrence Swetlin of 30615 Royalview wanted to thank the contractor for the job done on his street. Was very impressed at the work they did and the speed at which it was done. Asked if there was any extra damage done that cost the city.

Carl Wasickanin of 631 E. 315<sup>th</sup> Street asked if council could revisit his permit application for a garage. At the meeting which he was denied, he was not prepared to speak. Does have problems with the neighbor, who is against the construction of a garage.

### **Response:**

Ms. Moran stated the Royalview job finished 22 days ahead of schedule and the city did not have to pay any money out for damages. Mayor added the project came in at budget and thanked the residents for their patience throughout the construction.

Mayor Bonde addressed Mr. Wasickanin, referring him to the Law Director. Law Director O'Donnell stated if it has been six months since the denial, he should reapply for the permit and follow the process once again. Mayor Bonde advised him to reapply to the Building Department.

### **Reports of Standing Committees**

**Finance Committee** – Committee met this evening to discuss the construction of a pavilion at Dudley Park, it is the unanimous recommendation of the committee to begin the process for the pavilion. The cost comes in at approximately \$100,000, which would be paid out on a two year note from the recreation levy. The spray park will be paid off in March of 2009 and the pavilion payments would take the place of the spray park. The cost includes the cement, pavilion, overlay, brick and electric. City hopes construction could begin in April of 2009, Ms. Moran added the pavilion would allow 48 more children into the camp program.

Motion by Mr. Patton, seconded by Mr. Vanni, authorizing the City Engineer to prepare specs and go out to bid for Dudley Park picnic pavilion project. Discussion: None. Vote: All ayes. Motion carried.

**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, Ms. Moran stated she received a moral claim for reconsideration that will be turned over to the committee.

**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: Mr. Malta stated the committee is in need for painters and carpenters to volunteer for the projects. Anyone interested can contact him or Mrs. Bucci through the Building and Service Department. Mayor Bonde stated he would be meeting with Kerri Davidson at the Senior Center to arrange for any volunteers that might be interested. Mr. Malta added he too would like to talk with Kerri.

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

Motion by Mr. Patton, seconded by Mr. Vanni, to accept the bid of Digital Alley for seven in-car video systems for the Police Department in the amount of \$33,000. Discussion: None. Vote: All ayes. Motion carried.

### **CONTRACT APPROVALS**

None.

### **INTRODUCTION & CONSIDERATION OF LEGISLATION**

Ordinance No. 2008-50 (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. 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. 2008-50. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-51 (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. Patton, seconded by Mr. Vanni, to adopt Ordinance No. 2008-51. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-52      An Ordinance amending Ordinance No. 2008-14  
(Finance Director)      to provide for additional appropriations from the  
General Fund (101), State Highway Fund (203),  
Police & Fire Capital Improvement Fund (207) for  
the calendar year ending December 31, 2008 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. Patton, seconded by Mr. Vanni, to adopt Ordinance No. 2008-52. Discussion: Mr. Hintz asked Finance Director Benedict for explanation. Ms. Benedict stated each council member received a detailed spreadsheet breaking the ordinance down. Mr. Hintz stated he did indeed see the spreadsheet. Vote: All ayes. Motion carried.

### **MISCELLANEOUS**

Motion by Mr. Patton, seconded by Mr. Vanni, approve Purchase Order No. 34673 in the amount of \$68,589.00 to State Wide Ford for the purchase of three 2009 Ford Crown Victoria Police Cruisers through the state purchasing program. Discussion: Mr. Wells questioned the amount given from the insurance company as the cruiser was new. Mr. Hintz offered the explanation that he works in the insurance industry and the \$18,000 given for the vehicle is very fair. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Malta, to approve Purchase Order No. 34777 in the amount of \$ 5,690.00 to Seal-Tech for asphalt overlay of E. 300<sup>th</sup> Street entrance to Manry Park. Discussion: Mr. Wells asked if this went out to bid. Finance Director Benedict only projects that are \$25,000 or more go out to bid and \$3,000. goes to Council for approval. Mr. Wells than asked what this was for. Mayor Bonde explained this for saw cutting, excavating, removing 9x12 concrete pad, removing of soil, excavating and leveling of soil. Mrs. Benedict stated several quotes were received, added the area is 12'x170'. Vote: All ayes. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Hintz, to expedite permit request of AT&T for the replacement of an existing manhole located at the intersection of E. 300<sup>th</sup> Street and West Willowick Drive. **(approved by telephone poll of Council 10/16/08)**. Discussion: Mr. Wells offered explanation of his vote stating he is not in favor of what AT&T is doing in the city, added this is brand new street and feels it should not be torn up. Ms. Moran stated the boxes are necessary as the interest in what AT&T offers is very high. Mr. Patton stated the motion is for an existing manhole, they are not going to be destroying the street. Mr. Wells feels this is not necessary, and should anything go wrong with this project that he is against this motion. Vote: Ayes: Allan, Vanni, Malta, Patton, Hintz, Moran. Nays: Wells. Motion carried.

Council President reminded Council members that their Council meeting packets are available for pick up and review on the Friday afternoon prior to Tuesdays meeting. Asked that the packets be picked up and reviewed prior to meetings should questions arise.

**PUBLIC PARTICIPATION**

None.

**ADJOURNMENT**

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

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

Motion by Mr. Vanni, seconded by Mr. Patton authorizing the expenditure of \$36,300 to C.E.I. for electrical work performed at Shoreland Crossings. Discussion: None. Vote: Ayes: Allan, Vanni, Malta, Hintz, Moran and Wells. Abstain: Mr. Patton. Motion carried.

Motion by Mr. Patton, seconded by Mr. Vanni, to adjourn. Discussion: None. Vote: All ayes. Motion carried. Meeting adjourned at 8:40 pm.

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**PRESIDENT OF COUNCIL**

**ATTEST:** \_\_\_\_\_  
**CLERK OF COUNCIL**