

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

DATE: September 16, 2008  
PLACE: City Hall  
TIME: 7:30 p.m.

The seventeenth 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, Building and Service Director Dominick and Council Clerk Russo.

**Approval of Minutes**

Motion by Mr. Hintz, seconded by Mr. Malta, to approve the minutes of Regular Meeting of Council of September 2, 2008. Discussion: None. Vote: All ayes. Motion carried.

**Appointments, Special Resolutions & Proclamations**

Special Resolution (Mayor Bonde) A Special Resolution acknowledging and applauding *Philip Hunt* on his having attained the rank of Eagle Scout as a member of Boy Scout Troop 532.

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

Special Resolution (Mayor Bonde) A Special Resolution to *Audrey Newlin* in recognition of her dedication to the Polonia Foundation of Ohio.

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

**Administrative Appeals**

Administrative Appeal Order No. 2008-14 An Order granting a variance and exception to allow the construction of a 23' of 6' board on board fencing toward the front of the house in the side yard in the application of Section 1165.08(b) of the Codified Ordinances in Board of Zoning Appeals Case 21-262, Natividad Ocana, 32703 Lakeshore Blvd.

Motion by Mr. Allan, seconded by Mr. Malta to approve Administrative Appeal Order No. 2008-14. Discussion: Council reviewed drawing of proposed fence. Ms. Moran explained the homeowner returned to BZA for and 8' board on board fence, which was recommended for denial. See Appeal below. Vote: All ayes. Motion carried.

Administrative Appeal  
Order No. 2008-15

An Order denying a variance and exception of 2' height for an 8' board on board fence in the application of Section 1165.03(a) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-262, Natividad Ocana, 32703 Lakeshore Blvd.

Motion by Mr. Allan, seconded by Mr. Patton to deny Administrative Appeal Order No. 2008-15.  
Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal  
Order No. 2008-16

An Order granting a variance and exception for a front yard fence in the application of Section 1165.08(b) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-264, Ed Krevas, 29007 Cresthaven Drive.

Motion by Mr. Allan, seconded by Mr. Malta, to grant Administrative Appeal Order 2008-16.  
Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal  
Order No. 2008-17

An Order granting a variance and exception of 10' for a front yard fence in the application of Section 1165.08(b) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-265, Jack Krause, 29001 Cresthaven Drive.

Motion by Mr. Vanni, seconded by Mr. Patton, to grant Administrative Appeal Order No. 2008-17. Discussion: None. Vote: All ayes. Motion carried.

**Presentation by Lake County Job and Family Services:**

Ms. Melanie Hale of the Lake County Job and Family Services Department gave a brief presentation and asked for support of Issue #19 Renewal Levy. Further explained this is not an increase, but a renewal. Provided handout of Issue #19.

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

Mayor Bonde updated Council on the power outages throughout the City. Giant Eagle would again be providing those without power with water and ice at no cost. Thanked Helen Sebulski, Jennifer Quinn and Janet Bucci for assisting an older gentleman in the city without power. The salt bin has been filled and road salt bid opening was had, only one bid was received from Morton Salt for the city. Cost of road salt has skyrocketed this year. Rob Gross is looking into ways the city may be able to conserve salt this winter. Reported there was a fire this weekend, has left a message with the homeowners. Stated a police cruiser was struck this weekend by a drunk driver while stopped with another vehicle. No injuries were sustained; the cruiser received substantial damage. Reviewed RITA program. Mrs. Benedict found several companies with no paperwork on file. The building and service department are sending letters and forms for updates. Reviewed request from Fire Department for the purchase of emergency equipment to complete the new truck. Legislation will follow tonight's motion at next meeting.

**Discussion of Mayor's Report:**

Mr. Malta asked if the Mayor knew approximately how long residents would be without power and how they would go about obtaining ice and water from Giant Eagle. Thanked all those involved in the 50<sup>th</sup> anniversary of the Willowick Football League and asked the cost of placing a phone line in the press box at the football field. Mayor Bonde responded residents may be without power until Friday and they simply need to go to Giant Eagle to receive water and ice. Mr. Wells stated he served on the football league board for many years. Mr. Vanni stated power has been restored on E. 326<sup>th</sup> Street at 7:10 this evening.

Motion by Mr. Allan, seconded by Mr. Vanni approving the placement of the emergency equipment on the new fire truck in an amount not to exceed \$7,400. Discussion: None. Vote: All ayes. Motion carried.

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

**Service Director Joe Dominick** submitted written report.

**Discussion:** None.

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

**Discussion:** None.

**City Engineer Craig Juday** no written report, reviewed several items regarding 3 projects. With regard to the outfall, City met with Trax Construction Co. and has found them to be experienced and qualified, motion follows. Reviewed several motions on the agenda this evening. Reviewed the ongoing mitigation issues, received report from HzW a copy of which was forwarded to the Army Corps, waiting for their approval at this time. Regarding Cresthaven, also submitted report, requesting the replacement of four laterals connections at the main, which is believed to be the cause of the problems, motion to follow. There is legislation on the agenda this evening regarding Thomas Street, asked for approval of such.

**Discussion:** Discussion had on city engineer's retainer and basic services, also services that fall above the basic services of the engineer. Mayor Bonde added there have been meetings with the County Engineer and future meetings will also be needed, felt things are not going well with the County Engineer, Stormwater Management and Commissioners Office.

**Finance Director Cheryl Benedict** reviewed legislation on agenda.

**Discussion:** None.

**Law Director John O'Donnell** no report.

**Discussion:** None.

**Police Chief Michael Lazor** – monthly report filed, will introduce new Chaplains at next Council meeting.

**Discussion:** None.

**Fire Chief Robert Posipanka** – submitted reports from past five months. New server is working and the department is in the process of rebuilding the database.

**Discussion:** Mr. Wells asked if there would be hydrant flushing this fall and if the hydrants would be repainted. Chief Posipanka responded the department performs flow tests. Testing done on 75 hydrants in the spring and they will follow up this fall to check on flow. Chief stated there are 632 hydrants in the city; 80% are in need of painting. He is in the process of contacting the County for assistance in painting of hydrants. Eastlake is currently having their hydrants painted. Will update as more information is received. Has received a contract price for painting of hydrants in the amount of \$35,000. which includes warranty and sandblasting of each hydrant.

**Chief Building Inspector Joe Dominick** no written report.

**Discussion:** None.

### **WARD MATTERS**

Mr. Wells addressed the lights and weeds on Lakeland Blvd., Dudley, Manry also need weed attention. Lights out under the bridge, the North Marginal berm is a mess, seems to be a sewer blockage getting off Rt. 2, possibly Wickliffe's. Mr. Dominick will look into issues mentioned. Mayor added the city has not been happy with the contracted landscaping company since they began with the city.

### **PUBLIC PARTICIPATION**

Nancy Eger of Dickerson stated she has rats in her backyard, has discussed matter with Mr. Wells, the Mayor. Mr. Dominick stated he contacted the Health Department; they went to the home, found no evidence of infestation at her residence however, they did find evidence a few doors down in a log pile. The sewers would be baited to assist in ridding the area of rats. Some discussion continued of several homes in foreclosure and the conditions of the homes, citations would be issued for clean up of the properties.

Matt Vanjo of Willowick Drive stated the resident with the cats still has 45 cats living at the home; seem to be bringing them back into the home. Asked when the 30-day limit to rid the home of all but five pets was up and asked what can be done at this time.

Lucy (inaudible) of 746 Dickerson stated her neighbor has several birdcages (feeders) in the yard, causing the birds to mess her yard, it has gotten so bad she cannot sit in her yard.

### **Response:**

Mr. Wells responded that the city is responsible for the cost of baiting the sewers. Mayor stated he ordered the sewer baiting two weeks ago, the city has an obligation to notify the health department when there are rat sightings.

Mayor Bonde responded to Mr. Vanjo stating the city gave the homeowners 30 days to get rid of the cats, the city is trying to be compassionate with the family, however, the building department will need to go back to the home and possibly cite the homeowner for excessive cats.

Mr. Vanjo added there are currently 4 children and five adults living in the home as well, asked if there were a limit on the number of people living in a single family home, there are still three dumpsters on the property as well. Mr. Hintz added that he was contacted by the neighbor who is trying to help, stated she is becoming increasingly frustrated by the lack of progress.

Ms. Moran asked what the next step would be, Mayor stated she will be cited and have to appear at the Willoughby Municipal Court, Ms. Moran stated she will contact the Health Department for assistance in this matter. Regarding the bird feeders, Mayor Bonde responded the building department has been to the home, found no problem with they feeders, they did have trays under the feeders to catch loose seed, there is no ordinance pertaining to bird feeders.

### **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** –Committee met this evening to discuss several cases. Committee recommends Case no. 1: denied, Case no. 2 denied, Case no. 3 denied, Case no. 4 waive penalty and interest of \$26.25, Case No. 5 waive penalty and interest of \$25.00, Case no. 6 \$26.64.

**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.

### **LIASON REPORTS**

Hearts and Hammers: No report.

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

Motion by Mr. Allan, seconded by Mr. Patton, authorizing the Service Director to prepare specs and go out to bid for trash and yard waste pickup. Discussion: None. Vote: All ayes. Motion carried.

### **CONTRACT APPROVALS**

Motion by Mr. Allan, seconded by Mr. Vanni, authorizing the Mayor to enter into a Construction Contract with Trax Construction Company for an amount not to exceed \$548,516.19, associated with the E. 322<sup>nd</sup> Street Outfall Improvements. Discussion: Mr. Wells questioned the experience and reputation of the company. Mr. Juday stated he does not know of any issues with this company, Trax Construction is owned by the son of another company that may have had issues. Mr. O'Donnell stated this company has been in business for 5 years and they have done a substantial amount of work in the Solon area. Vote: Ayes: Hintz, Moran, Vanni, Malta, and Patton. Nays: Wells. Motion carried.

Motion by Mr. Patton, seconded by Mr. Hintz, authorizing the Mayor to enter into a one-year contract with Morton Salt Co. in the amount of \$63.63 per ton for road salt delivered and dumped. Discussion: None. Vote: Ayes: Hintz, Moran, Vanni, Malta, Patton. Nays: Wells. Motion carried.

**INTRODUCTION & CONSIDERATION OF LEGISLATION**

Ordinance No. 2008-45 (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. Vanni, 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. 2008-45. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-46 (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. Patton, to waive the rule requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Vanni, seconded by Mr. Hintz, to adopt Ordinance No. 2008-46. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2008-47 (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. Hintz, to waive the rule requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Malta, seconded by Mr. Patton, to adopt Ordinance No. 2008-47. Discussion: None. Vote: All ayes. Motion carried.

Resolution No. 2008- 18 (Finance Director) A Resolution accepting the rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the County Auditor and declaring an emergency.

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

Motion by Mr. Allan, seconded by Mr. Vanni, to adopt Resolution No. 2008- 18. Discussion: None. Vote: All ayes. Motion carried.

Resolution No. 2008-19  
(Law Director)

A Resolution authorizing the Mayor to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or local transportation improvement programs and to execute contracts as required and declaring an emergency.

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

Motion by Mr. Hintz, seconded by Mr. Malta, to adopt Resolution No. 2008- 19. Discussion: None. Vote: All ayes. Motion carried.

### **MISCELLANEOUS**

Motion by Mr. Patton, seconded by Mr. Malta, to vacate Regular Meeting of Council for November 4, 2008. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Malta, seconded by Mr. Patton, approving a Change Order to the construction contract with Phil Miller Construction, Inc. for replacing four (4) additional lateral systems on Cresthaven Drive in the amount not to exceed \$18,400. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Vanni, authorizing CT Consultants to provide additional engineering services on the E. 322<sup>nd</sup> Street Outfall project associated with redesign, easements, permitting, mitigation and construction services for an amount not to exceed \$85,500. Discussion: None. Vote: All ayes. Motion carried.

### **PUBLIC PARTICIPATION**

Mr. Vanjo asked Council their opinion of Willowick Drive, he lives on the street and while he appreciates what the city has done for the street, in particular in front of his home, he feels the street is in disrepair and needs to be replaced. He feels the road has been ruined by the repairs made.

### **Response:**

Ms.Moran addressed the issue, stating she understands many of the roads in the city are in dire need of repair and/or replacement. It is the responsibility of the city to determine which roads need most immediate work and which can wait. Mayor stated he and Mr. Dominick have inspected the street but would look at the condition again with Mr. Dominick. Mayor further explained the process they used to repair the road this time. Mr. Dominick also addressed the street issues; his department is currently going through the city for crack sealing. Mr. Vanni stated Council is aware the streets in the city are in need of repair and commended the Service Department for the job they do with what they have available to them. Further explained the city must determine which streets and sewers are in the worst shape and they must be taken care of first. Mr. Malta stated he too would go look at the street.

**ADJOURNMENT**

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

Meeting adjourned at 9:10 p.m.

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**PRESIDENT OF COUNCIL**

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