

**CITY OF WILLOWICK  
LAKE COUNTY, OHIO**

**MINUTES AND PROCEEDINGS OF A SPECIAL  
MEETING OF WILLOWICK CITY COUNCIL**

DATE: July 30, 2009  
PLACE: City Hall  
TIME: 6:45 p.m.

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

**ALSO PRESENT:** Mayor Bonde, Law Director O'Donnell, Finance Director Benedict, and Acting Clerk of Council.

Motion by Mr. Patton, seconded by Mr. Malta, approving the appointment of Helen Sebulski as the Acting Clerk of Council. Discussion: None. Vote: All ayes. Motion carried.

**Administrative Appeals**

Administrative Appeal Order No. 2009-12      An Order granting a variance and exception of 576 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. 21-278, Jeffery Shultz, 313 East 320<sup>th</sup> Street (**Postponed 7/7/09**)

Motion by Mr. Patton, seconded by Mr. Malta, to approve Administrative Appeal Order No. 2009-12. Discussion: Homeowner appeared and explained need for new garage. Law Director O'Donnell explained that this Administrative Appeal Order and Order No. 2009-13 should be denied because the Board of Zoning Appeals added stipulations that must be met. Vote: All nays. Motion failed.

Administrative Appeal Order No. 2009-13      An Order granting a variance and exception of 1' 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. 21-278, Jeffery Shultz, 313 East 320<sup>th</sup> Street (**Postponed 7/7/09**)

Motion by Mr. Patton, seconded by Mr. Malta, to approve Administrative Appeal Order No. 2009-13. Discussion: None. Vote: All nays. Motion failed.

Administrative Appeal Order No. 2009-16      An Order granting a variance and exception of 576 sq. ft. for a new garage with the stipulation that bollards be installed around the gas meter for safety reasons in conjunction with gas company recommendations. If there is no recommendation by the gas company, they should be extended into the ground 4' deep and 8" in diameter and filled with concrete and topped off in the application of Section 1337.01(c) (5)(b) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-278

Motion by Mr. Allan, seconded by Mr. Patton, to approve Administrative Appeal Order No. 2009-16. Discussion: None. Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2009-17      An Order granting a variance and exception of 1' 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. 21-278

Motion by Mr. Allan, seconded by Mr. Patton 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 to allow construction of a tool shed in the side yard in the application of Section 1171.01(f) of the Codified Ordinances in Board of Zoning Appeals Case No. 21-279, Ron & Christy Petrecca, 237 Shoreland Circle.

Motion by Mr. Patton, seconded by Mr. Malta, to approve Administrative Appeal Order No. 2009-18. Discussion: None. Vote: All ayes. Motion carried.

**INTRODUCTION & CONSIDERATION OF LEGISLATION**

Ordinance No. 2009-51 (As Amended) (Finance Director)      An Ordinance amending Ordinance No. 2009-4 to provide for additional appropriations from the General Fund (101, Street Construction Maintenance and Repair Fund (202, Sewer Revenue Fund (205), Police & Fire Capital Improvement (207), Fire Emergency Rescue Fund (208) for the calendar year ending December 31, 2009, and declaring an emergency.

Motion by Mr. Patton, seconded by Mr. Malta, to suspend the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Malta, to adopt Ordinance No. 2009-51. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2009-52 (Law Director)      An Ordinance amending Section 921.115(e) of the Ordinances of the City of Willowick, and declaring an emergency.

Motion by Mr. Patton, seconded by Mr. Malta, to suspend the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Malta, seconded by Mr. Patton, to adopt Ordinance No. 2009-52. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No.2009-53 (Law Director) An Ordinance submitting a proposed amendment to the Charter of the City of Willowick to the electors to amend Section 5.4, Director of Finance, to provide for the appointment of the Director of Finance for the period of time which runs with the term of Mayor, and declaring an emergency.

Motion by Mr. Patton, seconded by Mr. Malta, to suspend the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Malta, seconded by Mr. Patton, to adopt Ordinance No. 2009-53. Discussion: None. Vote: All ayes. Motion carried.

Ordinance No. 2009-54 (Law Director) An Ordinance submitting a proposed amendment to the Charter of the City of Willowick to the electors to amend Section 5.6, Director of Recreation and Recreation Board, to provide for the appointment of the Director of Recreation for the period of time which runs with the elected term of the Mayor, and declaring an emergency.

Motion by Mr. Patton, seconded by Mr. Malta, to suspend the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Patton, seconded by Mr. Malta, to adopt Ordinance No. 2009-54. Discussion: Council President Moran asked why these Charter amendments are necessary. Law Director O'Donnell explained that the two Directors' positions are not in line with the Mayor's term as are the Service Director and Chief Building Inspector. Vote: All ayes. Motion carried.

Resolution No. 2009-10 (Law Director) A Resolution authorizing the Ohio Department of Transportation to proceed with the Willowick City-Wide Signal Project; PID16353; LAK-Willowick Signals

Motion by Mr. Malta, seconded by Mr. Patton, to suspend the rules requiring three separate readings. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Malta, seconded by Mr. Patton, to adopt Resolution No. 2009-10. Discussion: There was a brief discussion regarding the number of traffic lights on Vine Street and Lakeshore Boulevard. Vote: All ayes. Motion carried.

**MISCELLANEOUS**

Motion by Mr. Patton, seconded by Mr. Malta, to approve Purchase Order No. 35965 in the amount of \$10,411.00 to the City of Willoughby for first half shared Court allocations. Discussion: None. Vote: All ayes. Motion carried.

Motion by Mr. Allan, seconded by Mr. Malta, to authorize the Mayor to enter into an agreement with AT&T for cell tower lease under the terms outlined. Law Director O'Donnell explained terms as follows: Terms: new 5-year term to begin 12-1-09, \$1,200/month for five-year term. First renewal period will pay \$1,500/ month and each successive term will increase by 10%. Termination notice guarantee to 36 months. Discussion: None. Vote: Ayes: Moran, Allan, Malta and Patton. Nays: Mr. Wells. Motion carried.

Motion by Mr. Allan, seconded by Mr. Malta, authorizing the release of retainage in the amount of \$17,928.96 to DiGioia-Suburban Excavating. Discussion: Lengthy discussion had on release of retainage and terms. Vote: Ayes: Moran, Allan, Vanni, Malta. Nays: Mr. Wells. Abstain: Mr. Patton. Motion carried.

Updates given with regard to Outfall and Street Striping.

Motion by Mr. Wells, seconded by Mr. Allan, to adjourn. Discussion: None. Vote: All ayes. Motion carried.

Meeting adjourned at 8:03 p.m.

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**PRESIDENT OF COUNCIL**

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