

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

DATE: February 5, 2019
PLACE: City Hall
TIME: 7:30 p.m.

The second meeting of Council of 2019 was called to order by Council President Patton at 7:30 p.m., followed by the Pledge of Allegiance to the Flag and Invocation. Note: The January 22 regular meeting of Council was cancelled due to a water main break at City Hall.

Present: Council members Koudela, Vanni, Malta, Reho, Patton, Pintar and Turk
Also Present: Mayor Regovich, Law Director Landgraf, Finance Director Benedict, Fire Chief Posipanka, Police Chief Turner, Service Director Pauley, Chief Housing and Zoning Inspector Brennan, Recreation Director Kless, City Engineer Lannon, and Council Clerk Wovrosh.

Approval of Minutes

Motion by Mr. Pintar, seconded by Mr. Reho to approve the minutes of the Regular Meeting of Council of January 8, 2019.

Discussion: None.

Vote: All ayes. Motion carried.

Appointments, Special Resolutions & Proclamations

The Oath of Office was administered to Zachari Martin by Mayor Regovich as a Firefighter in the Willowick Fire Department.

Administrative Appeals

Administrative Appeal Order No. 2019-1 Petrone #1	An Order granting a variance and exception of 388 square feet to construct a new garage in the application of Section 1337.01(c)(5)(b) of the Codified Ordinances in Board of Zoning Appeals
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Motion by Mr. Malta, seconded by Ms. Turk to approve Administrative Appeal Order No. 2019-1.

Discussion: None.

Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2019-2 Petrone #2	An Order granting a variance and exception of 2' 3" height to construct a new garage in the application of Section 1337.01(c)(5)(b) of the Codified Ordinances in Board of Zoning Appeals
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Motion by Ms. Turk, seconded by Mr. Reho to approve Administrative Appeal Order No. 2019-2.

Discussion: None.

Vote: All ayes. Motion carried.

Reports and Communications from the Mayor/Safety Director

Mayor Regovich reported the following:

- The January 22 Council meeting was cancelled due to a water main break at the City Hall/Police Department building. It was determined that agenda items could wait until tonight's meeting.
- NOACA and Willowick will co-host a meeting on Thursday, February 7 at Lakefront Lodge to discuss/map the Lake County bike paths. It is identifying existing paths and will give a good idea of what needs to be done in the future.
- Budget binders have been distributed to Council. He has met several times with each director, and cuts have been made.

Council Discussion of the Mayor's Report

None.

General Communications & Reports – Directors & Officials

Service Director Rob Pauley: Written reports for January 22's cancelled meeting and tonight's meeting were submitted. The E. 327th Street Sewer Rehabilitation project has started up again, slip lining of laterals from tees to main. The Safe Routes to School is an ODOT project (not city), and preconstruction meeting was held. It will involve changing some signage, crosswalks, and installation of solar-powered rectangular rapid flashing beacons. Work is scheduled to begin the week of May 28 after school is out. The year-end summary report for the department was distributed electronically. Mr. Malta inquired about the salt supply, and Mr. Pauley said it is holding up well. Cost for overtime manpower, salting and de-icing for the most recent storm was almost \$29,000 for Saturday through Monday morning. Last year's cost of salt was \$22/ton, this year's is almost \$45/ton.

Recreation Director Julie Kless: No written report. The Valentine's Dance is Sunday. The Spring/Summer Guide will be available on the website on February 15.

City Engineer Tim Lannon: Written report submitted. Current and future projects were outlined in the report including budget requests.

Finance Director Cheryl Benedict: No written report.

Law Director Stephanie Landgraf: No written report.

Police Chief Brian Turner: Written report submitted electronically.

Fire Chief Bob Posipanka: Annual report for 2018 and January report submitted electronically.

Chief Housing and Zoning Inspector Sean Brennan: Written report submitted.

Ward Matters

None.

Public Participation

Ryan Lose of 30533 Willow Lane inquired if minutes of committee and board meetings are posted online. While these records are not posted on the website, they are available by request.

Sandy Bontempo of 480 Cole Plaza inquired if the parade and the Rib Burn-Off are being cancelled this year. She asked about the cost of both and also what other items are being cut from the budget. Mr. Patton noted that the budget hearing is a public hearing and is being held on Saturday. This would provide a better understanding of the city's finances. Mayor Regovich said that both items mentioned are not included in the 2019 budget. The Rib Burn-Off lost about \$6,000 last year and involved overtime, so it is currently not in the budget. We have received calls from people who are interesting in donating or being a sponsor, and we are looking into the legality of this since it since salaries/overtime are involved. The Rib Burn-Off has the potential to make money in the future; the first year was semi-sponsored, and

this year we did it ourselves. It takes a massive amount of work by the employees in the Recreation Department. The parade involves salaried people working overtime since it is a Sunday. The amount depends on who works since and how long they have been an employee. Regarding internal cuts, all will eventually impact residents.

Travis Gumm of Forestgrove inquired about the possibility replacing the Welcome to Willowick sign at the off ramp of E. 305th as his Eagle Scout project for the city. Though this is not owned by the city but is part of State Route 2, Mr. Pauley will gladly work with him on his project.

Shane Cook of 613 E. 300th Street thanked the Police and Service Departments for their help in recovering his snow blower that was stolen. A recommendation in a Courier article to keep a record of all serial numbers of equipment and to also permanently marking equipment might be useful for residents.

Ryan Lose of 30533 Willow Lane inquired if a homeowner can be held liable if he/she shovels the sidewalk and someone slips and is injured. Law Director Landgraf stated that residents have the obligation to maintain their sidewalk free of nuisance and make sure that it is in proper repair. She referred him to his insurance company regarding the liability related to whether or not he disturbs or touches the ice or snow on his sidewalk. It was noted that we live in a region where it is assumed that there will be ice and snow on sidewalks. Therefore, individuals are walking at their own risk.

Bryon White asked for clarification if residents should shovel or not. Ms. Landgraf responded as to liability that it is not a city policy to say if residents should shovel their sidewalks.

Steve Hemrich of 456 E. 329th Street inquired as to the definition of "maintaining the sidewalk." Mr. Patton clarified that he was asking a specific legal question, and the city is Ms. Landgraf's client. She cannot give legal advice to those who are not her clients. It was pointed out that Ordinance 903.06 states that residents must maintain their sidewalks. There may be a definition of "maintain" in that section of the ordinances. Mr. Patton pointed out that there are two items being discussed: Liability if someone falls and compliance with the ordinance. For clarification regarding shoveling, individuals should contact their insurance carrier or retain an attorney.

Reports of Standing Committees

Finance: No report.

Safety: No report.

Service, Utilities & Public Lands: Mr. Malta reported that the committee met at 7:00 p.m. prior to the meeting to discuss the issue of putting trash cans in the back yard. Requiring this would make it difficult for seniors to take the cans to the curb. However, an ordinance will be drafted to require garbage to be put out in a tightly sealed container during the week to avoid problems with animals. Overflow can be put on the tree lawn on garbage day. This will be sent to the Planning Commission before coming to Council.

Streets, Sidewalks & Sewers: No report.

Tax Compliance: No report.

Moral Claims: No report.

Budget: No report. The Budget Hearings are scheduled for Saturday, February 9 at 8:00 a.m. This is always open to the public.

Liaison Reports

Mr. Malta reported that Hearts & Hammers will meet on Thursday, February 7 to review the fundraiser. He thanked all who participated through donations and attendance.

Fund Transfers and Bid Authorizations

Motion by Mr. Malta, seconded by Mr. Pintar to authorize CT Consultants to perform preliminary engineering, prepare final plans and bid documents and obtain bids for the 2019 Road Program for a fee not to exceed \$30,000 in accordance with the Agreement for engineering services.

Discussion: None.

Vote: All ayes. Motion carried.

Motion by Mr. Reho, seconded by Ms. Turk to authorize CT Consultants to perform preliminary engineering, prepare final plans and bid documents and obtain bids for the 2019 Lateral Repair Program for a fee not to exceed \$35,000 in accordance with the Agreement for engineering services.

Discussion: None.

Vote: All ayes. Motion carried.

Contract Approvals

Motion by Ms. Turk, seconded by Mr. Malta to authorize the City to enter into an agreement with Deric Langton of Absolutely Unbelievable Entertainment for DJ services at two Valentine Dances on Sunday, February 10, 2019.

Discussion: None.

Vote: All ayes. Motion carried.

Introduction & Consideration of Legislation

Ordinance No. 2019-1
(Finance Director)

An Ordinance providing for the issuance and sale of \$318,100 of notes, 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. Malta, seconded by Mr. Vanni to waive the three readings of Ordinance No. 2019-1.

Discussion: Ms. Turk pointed out that Ordinance No. 2018-1 and 2018-2 should be Ordinance No. 2019-1 and 2019-2. The typographical error was corrected.

Vote: All ayes. Motion carried.

Motion by Mr. Pintar, seconded by Mr. Reho to adopt Ordinance No. 2019-1.

Discussion: None.

Vote: All ayes. Motion carried.

Ordinance No. 2019-2
(Finance Director)

An Ordinance providing for the issuance and sale of \$500,000 of notes, in anticipation of the issuance of bonds, for the purpose of opening public streets to be known as Shoreland Circle and Lakewick Lane and thereupon improving the entire length of those public streets and an emergency access drive related thereto by, as necessary, grading, draining, paving, constructing curbs, gutters, water mains, valves, fire hydrants, sanitary sewers, storm sewers, manholes, and water and sanitary sewer service connections, and installing street lighting and traffic control signs, and improving certain easements of the City related thereto by constructing storm sewers, tees, manholes and drains,

all together with the necessary appurtenances thereto, and declaring an emergency.

Motion by Mr. Vanni, seconded by Mr. Malta to waive the three readings of Ordinance No. 2019-2.

Discussion: None.

Vote: Ayes: Koudela, Vanni, Malta, Reho, Pintar, Turk. Abstain: Patton. Motion carried.

Motion by Mr. Vanni, seconded by Ms. Turk to adopt Ordinance No. 2019-2.

Discussion: None.

Vote: Ayes: Koudela, Vanni, Malta, Reho, Pintar, Turk. Abstain: Patton. Motion carried.

Resolution No. 2019-2
(Finance Director)

A Resolution to approve authorizations (Then and Now Certificate) for the City of Willowick, and declaring an emergency.

Motion by Mr. Malta, seconded by Ms. Turk to waive the three readings of Resolution No. 2019-2.

Discussion: None.

Vote: All ayes. Motion carried.

Motion by Mr. Reho, seconded by Mr. Vanni to approve Resolution No. 2019-2.

Discussion: None.

Vote: All ayes. Motion carried.

Resolution No. 2019-3
(Law Director)

A Resolution authorizing the Fiscal Officer and Director of the City Senior Center to enter into an Agreement with the Board of County Commissioners of Lake County, Ohio, for the receipt of funds from the Lake County Senior Levy to be utilized for services or facilities for senior citizens in the City of Willowick, and declaring an emergency.

Motion by Mr. Reho, seconded by Mr. Pintar to waive the three readings of Resolution No. 2019-3.

Discussion: None.

Vote: All ayes. Motion carried.

Motion by Mr. Pintar, seconded by Mr. Vanni to approve Resolution No. 2019-3.

Discussion: None.

Vote: All ayes. Motion carried.

Resolution No. 2019-4
(Finance Director)

A Resolution to approve authorizations (Then and Now Certificate) for the City of Willowick, and declaring an emergency.

Motion by Mr. Reho, seconded by Mr. Vanni to waive the three readings of Resolution No. 2019-4.

Discussion: Mr. Patton clarified that each Then and Now Certificates are for a different vendors.

Ms. Benedict can add something in the future that will indicate the vendor and the amount.

Vote: All ayes. Motion carried.

Motion by Ms. Turk, seconded by Mr. Reho to approve Resolution No. 2019-4.

Discussion: None.

Vote: All ayes. Motion carried.

Resolution No. 2019-5
(Finance Director)

A Resolution to approve authorizations (Then and Now Certificate) for the City of Willowick, and declaring an emergency.

Motion by Mr. Reho, seconded by Mr. Malta to waive the three readings of Resolution No. 2019-5.

Discussion: None.

Vote: All ayes.

Motion by Ms. Turk, seconded by Mr. Vanni to approve Resolution No. 2019-5.

Discussion: None.

Vote: All ayes. Motion carried.

Resolution No. 2019-6
(Law Director)

A Resolution authorizing the Fire Chief of the City of Willowick to prepare and submit an application to participate in the Department of Homeland Security 2017 Assistance to Firefighters Grant Program for the purchase of Self-Contained Breathing Apparatus for its firefighting personnel, and to execute all documentation thereunder, and declaring an emergency.

Motion by Mr. Reho, seconded by Mr. Vanni to waive the three readings of Resolution No. 2019-6.

Discussion: None.

Vote: All ayes. Motion carried.

Motion by Mr. Malta, seconded by Ms. Turk to approve Resolution No. 2019-6.

Discussion: None.

Vote: All ayes. Motion carried.

Miscellaneous

Motion by Mr. Reho, seconded by Mr. Vanni to authorize the Mayor to execute an Agreement with the Willowick Firefighters Association to provide for any mutually agreed contract terms to have a retroactive effective date of January 1, 2019.

Discussion: None.

Vote: All ayes. Motion carried.

Public Participation

Ryan Lose of 30533 Willow Lane said a number of people are upset that WOW installers are coming into their yards without notification, leaving branches that they have trimmed, and leaving gates open so that residents' dogs can get out of their yards. They are asking that the gates be closed. Mayor Regovich informed residents that there is a WOW contact number on the city's website to report complaints. They have responded quickly to city personnel who have contacted them regarding issues. Ten-day notices have been sent out to begin selling the services which might indicate that they are close to being done.

Sandy Bontempo of 480 Cole Plaza said there has been a lot of concern regarding the closing of Pat Catan's and Michael's taking over, that we might lose something that is a Willowick landmark. She inquired if the city has any information or if there is anything that can be done to encourage Michael's to choose the Willowick location as one of the stores that will reopen as Michael's. Mayor Regovich stated that there has been no announcement from the corporation. Monica Drake, our Economic Development Manager, is monitoring the situation. We will certainly want to fight to keep a store here. We have been in contact with the owners of Shoregate who want them to stay as well.

Mayor Regovich addressed Mr. Lose regarding what he puts on Facebook about the Mayor's honesty and integrity, but he does not say anything at the Council meetings. He does not feel that Facebook is the appropriate place for him to address these things but would rather have questions asked at Council meetings in a public forum on the record.

Mr. Lose responded that it appears there is an open checkbook from which the Mayor can take money for such things as the consultant for the income tax levy this past summer, yet there is no money for the parade which is being cancelled this year. Mr. Patton noted that all expenditures must come to Council for approval. There is a separation of powers between the Executive and Legislative branches of the city government.

Mr. Vanni said that residents have not felt the cuts that have been made over the past 10 years because the cuts involved things that were behind the scenes. The financial crisis hit 10 years ago, and the city did everything it could to make cuts that would not be felt by the residents. The only thing that the residents felt in that time period was the garbage tax which was necessary because the State and Local Government Fund and the estate tax which amounted to almost \$1.2 million were pulled. There is now nothing more that can be cut without the residents feeling it. All departments are understaffed. We have trucks that are 28 years old that Service Department employees are fixing to keep running. He has a problem with people accusing them of not telling the truth, that Council and the administration are hiding money and pulling it out of the General Fund. Expenses go up every year, but revenues do not. We are a bedroom community, and the downfall in living in that type of community is that it gets tough when expenses go up. The comments tonight prove that up to now the residents have not felt the impact of the cuts. We are at point now where if we start cutting personnel which we don't want to do, residents are going to feel it. No one wants to cut the parade, but do we cut that or a police officer? Council members live here too and love the parade and Rib Burn-Off, but they have to start looking at non-essential things. The bottom line is that no one is hiding anything, and no one is grabbing money at will.

Mr. Vanni continued that though Council could have decided to raise taxes, they chose to bring it to the people to make that decision at the ballot box. He has discussed the \$28,000 for the consultant with Mr. Lose previously. He was on the fence about it, but in the end felt that it was important to do everything possible to get the information out to everyone to enable them to make an educated decision. In hindsight it might have been a bad decision, and he owns that. The consultant could have done a better job. But the people have spoken and he respects that. It is now up to Council to figure out the budget.

Mr. Patton stated that all of Council voted on the decision regarding the consultant and are responsible to the people. Though he disagreed with the income tax levy and was public about it, he never questioned the integrity of the Mayor or Council members. He noted that people can disagree in principal. Well-intentioned people can respectfully disagree. He encouraged people to attend the budget hearing on Saturday if they want to see through a microscope where the money goes. To their knowledge, Willowick is the only city that does the budget in this way.

Mr. Patton recommended that the Mayor and Mr. Lose continue the conversation in private since it is a specific matter between the two of them.

Adjournment

Motion by Mr. Pintar, seconded by Mr. Vanni to adjourn.

Discussion: None.

Vote: All ayes. Motion carried.

The meeting adjourned at 8:33 p.m.



PRESIDENT OF COUNCIL

ATTEST: Susan K. Worrach
CLERK OF COUNCIL