

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

DATE: November 19, 2019
PLACE: City Hall
TIME: 7:30 p.m.

The nineteenth meeting of Council was called to order by Council President Patton at 7:30 p.m., followed by the Pledge of Allegiance to the Flag and Invocation.

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

Approval of Minutes

Motion by Mr. Vanni, seconded by Mr. Malta to approve the minutes of the Regular Meeting of Council of November 6, 2019.

Discussion: Mr. Malta pointed out that 2004 was the last time there was a purchase of leaf collection equipment, though it was stated at the last meeting that it was 1994.

Vote: All ayes. Motion carried.

Appointments, Special Resolutions & Proclamations

None.

Administrative Appeals

Administrative Appeal Order No. 2019-32 Pannetta	An Order granting a variance and exception of 2' for a garage in the application of Section 1163.105(a) of the Codified Ordinances in Board of Zoning Appeals
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Motion by Mr. Reho, seconded by Mr. Vanni to approve Administrative Appeal Order No. 2019-32.

Discussion: Diane Bija of New Creation Builders is working with the Pannettas. She attended the BZA meeting when this was discussed and told them she would do whatever was necessary to make this right. She wanted them to know that they would be putting up the required fire wall though this had not been indicated at the BZA meeting. It was clarified that she did not ask for an exemption from this; she plans to comply with it.

Vote: All ayes. Motion carried.

Administrative Appeal Order No. 2019-33 Corral #1	An Order granting a variance and exception of solid type fencing in the application of Section 1165.04(c) of the Codified Ordinances in Board of Zoning Appeals
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Motion by Mr. Vanni, seconded by Ms. Turk to approve Administrative Appeal Order No. 2019-33.

Discussion: Ms. Turk clarified that this request is for solid fencing.

Dee Logan of 327 Blissfield expressed concern for both variances presented by this resident. She is familiar with the wind patterns at her home since she has lived there for a number of years. The driveway is a wind tunnel and she believes that a solid fence along the driveway will cause drifting. She is concerned for snow removal and her safety in the driveway given that she has number of health issues. The solid fence would also

block light from her property and plants. Vinyl is toxic, causing her concern for her health and also the environment. She feels that the double fencing will be a pleasant appearance in the neighborhood. She indicated that some of the pictures and statements that accompanied the variance application were out of context, and she provided an example. She explained that she is registered with Willowick Community Cats which works with free roaming cats. There was never any communication with the neighbor about anything. She wondered if Willowick might consider establishing a neighborhood mediation team which provides a neutral party and space for resolution. Nature is her peace and healing which includes her yard. She thanked Council for listening. When asked if he had any comments, Mr. Corral felt that the fence is necessary to keep the peace. It is a high quality fence. He had improved the property a great deal since moving in, and the fence will help maintain what he has invested in the property.

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

Administrative Appeal
Order No. 2019-34
Corral #2

An Order granting a variance and exception of double fencing in the application of Section 1165.05 of the Codified Ordinances in Board of Zoning Appeals

Motion by Mr. Vanni, seconded by Ms. Turk to approve Administrative Appeal Order No. 2019-34.

Discussion: None.

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

Administrative Appeal
Order No. 2019-35
Eojzus/Bogside Pub

An Order granting a variance and exception of 80 square feet to construct a 200 sq. ft. utility shed in the application of Section 1172.02(c) of the Codified Ordinances in Board of Zoning Appeals

Motion by Mr. Malta, seconded by Mr. Vanni to approve Administrative Appeal Order No. 2019-35.

Discussion: None.

Vote: All ayes. Motion carried.

Reports and Communications from the Mayor/Safety Director

Mayor Regovich reported the following:

- Due to the budget cuts by the school district when their levy failed, a number of students from the school district are now playing basketball in the city. Recreation Director Kless did an incredible job in putting the program together very quickly following election day.
- The snowmen displays have gone up on Vine Street on LSB, and six have been added this year. These are done by the North High Art Club and NCI. Though the future of this is unsure since it is a club, we were able to get these this year because the planning started in January, with materials being donated. The students do a fantastic job.
- There will be another public meeting for the Lakefront Development TLCI grant on December 11 at 6:00 p.m. at The Cabin. Some of the plans from the ideas that came from the group at the last meeting will be unveiled. This is the second public meeting. The first one was in June at the St. Mary Magdalene festival. There will probably be some drawings and renderings.
- He wished all a Happy Thanksgiving.

Council Discussion of the Mayor's Report

Mr. Vanni reported that several residents who felt that it was unbelievable what Recreation Director Kless did for the basketball kids in such a short period of time. He wanted to be sure that she received the recognition for going above and beyond. She worked with the Recreation Director of Willoughby and with Rich Hill to make this happen. Mr. Malta felt it was incredible to take such a negative situation and turn it into a positive. She had a schedule to him within 24 hours. It reflects well on the city too.

General Communications & Reports – Directors & Officials

Service Director Rob Pauley: Written report submitted. The E. 329th Street Sewer Rehab project has started and will continue as weather permits. Tentative end date is June 2020. The lateral program is completing the last five laterals which are those that have failed on the city side during a point of sale. It is funded through the Lateral Repair Fund, and we try to do this about every two years. There is a purchase order for a plow, and it is a budgeted item now due to the gas tax that was implemented by the state in July of this year. Leaf collection is December 2-13. He requested that nothing be buried in the leaf piles which can damage the equipment. Christmas tree collection is December 30-January 10. Trees should be put out unbagged and have no ornaments or stands left on them. Mr. Malta confirmed that the last collection of yard waste by Kimble is the last week of November. The signal at LSB and Vine St. has been repaired. Ms. Koudela inquired when Dagg will be back to smooth out the section on LSB, and Mr. Pauley said that it will now be in the spring since the weather prohibited it this fall. The County is aware of this and agrees with us. Mr. Pauley clarified for Mr. Vanni that Wickliffe is in charge of controlling the lights at Rt. 2 and E. 305, and the timing was set when Route 2 was done. Changes in the timing have to be reviewed and approved by both the county and the state. A minor study was done when the signals were upgraded to LEDs. CT does not have the authority to change anything. Mr. Lannon reported that NOACA did a safety study in about 2012 and made recommendations on the safety aspects for that area since there were a number of rear-end collisions and high traffic volume. NOACA made recommendations for such things as lighting, widening curbs slightly, etc. ODOT provided some funds and made some minor improvements with some signals and signage. We always include that intersection as something to look at, and we have made applications for funding with our neighboring communities to fix up Lakeland Blvd. The agreement for that area over the years has been that Wickliffe maintains it; the county maintains Route 2 but not the intersections adjacent to Route 2. He would consider it locally controlled, but the costs are shared.

Recreation Director Julie Kless: Absent.

City Engineer Tim Lannon: No written report.

Finance Director Cheryl Benedict: Absent. No written report.

Law Director Landgraf: No written report.

Police Chief Brian Turner: Written report submitted electronically. On Friday, December 6 they will have their annual Christmas with Blue with some of the students from the local schools.

Fire Chief Bob Posipanka: Absent. No written report.

Chief Housing and Zoning Inspector Sean Brennan: Absent. No written report.

Economic Development Manager Monica Drake: Absent.

Ward Matters

Mr. Patton asked that Council members notify him if they have preferences which committees they would like to serve on as he begins consideration of committee assignments.

The swearing in of Council members will take place on Wednesday, January 1 at 11:00 a.m. by Judge John O'Donnell.

There will be a motion on the agenda for the next Council meeting to move the starting time for the December 17 meeting to 6:30 p.m.

Mr. Patton would like a calculation going into the budget hearing as to what all the legal fees were respective to the Palumbo case. He will ask the Finance Director to provide a final figure when she returns from vacation.

Public Participation

Phil Detering of 469 Bayridge asked that Council look into the laws and regulations of the city to remove that ones that are regularly overruled so that new residents won't be confused. Many things are allowed rather than enforcing the codes, so it would be best to just remove these. Mayor Regovich responded that Mr. Brennan talks with the Law Director about some of the issues related to fences, and BZA has talked about looking into some of the ordinances that appear to be outdated. Things have changed since the original ordinances were written, and there may need to be updates. Part of the issue is the lack of people who could take the time to do such a review since there are a lot of ordinances that would be involved. Mr. Patton said he understands that rules are rules, but there is also the recognition that sometimes there are exceptions, and BZA is a way to review those exceptions more thoroughly. Council has overruled requests for variances both ways. As in other areas such as the Moral Claims Committee, there are general rules, but there are also ways of redress if individuals believe there should be an exception. That is what we consider.

Mr. Detering also said that there is a state representative who had emailed him who thinks the city has some control over the traffic light at Rt. 2 and E. 305. He is going to go back to the representative to get further explanation. Mayor Regovich noted that Wickliffe is in charge of the programming. It has always been a difficult thing at that intersection. The tweaks might cause more issues, so it is a hard thing to know. The best thing to do is to ask Wickliffe when was last reviewed and a study done. There is not an easy, magic answer. A lot of people have looked at this over time. This is not on ODOT's list of things to look at.

Reports of Standing Committees

Finance: No report. Mr. Vanni will know more after a meeting the Mayor has on Friday whether or not he would like a joint meeting of the Budget and Finance Committees before the end of the year.

Safety: No report. Mr. Pintar scheduled a meeting for December 3 at 6:30 p.m. Mr. Vanni inquired if the committee would review the dog ordinance.

Service, Utilities & Public Lands: No report.

Streets, Sidewalks & Sewers: Mr. Vanni reported that the committee met prior to the Council meeting. Most of the conversation centered around Willowick Drive. The main problem is that the sewers are flat, and some of the manholes are structurally sound and mostly in fair condition. There are three alternatives that will require the completion of five tasks before we can make an educated decision; CT will provide a cost estimate. Sewer rates were also discussed. Mr. Vanni will work with the Finance Director to get some numbers together. He intends to have another meeting in early January and then bring a recommendation to Council. Mr. Patton reiterated the information that was given at the last meeting: The cost involved in doing sewers is \$1.6 million for 4,000 feet of sewers. In the discussion during the committee meeting, the options ranged between \$660,000 and \$1.1 million. There is some frustration related to getting the sewers done, but we must do studies to be sure that we are spending the money responsibly due to our limited funds. Mr. Vanni said that the \$1.6 million for the E. 329th Sewer Rehab Project between Parkland and LSB also includes resurfacing, but the majority is for the sewers. We obtained grants for these projects. Problems are also fixed at the point of sale rather than assessing everyone to do it. The Service Department is doing maintenance on the sewers every day.

Tax Compliance: No report.

Moral Claims: No report.

Budget: No report.

Liaison Reports

Mr. Malta reported that leaf raking will be November 23, November 30 and December 7. Meet at Petie’s at 8:00 for breakfast, start time is 9:00 a.m. The fundraiser is January 25, 2020 at St. Mary Magdalene. Tickets are now available. Door prizes are still needed. He reminded everyone that they no longer receive any grants for their work. Next meeting is December 4 at 6:00 p.m.

Fund Transfers and Bid Authorizations

None.

Contract Approvals

None.

Introduction & Consideration of Legislation

Ordinance No. 2019-36 (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. Reho, seconded by Ms. Turk to waive the three readings of Ordinance No. 2019-36.
Discussion: None.
Vote: All ayes. Motion carried.

Motion by Ms. Turk, seconded by Mr. Vanni to adopt Ordinance No. 2019-36.
Discussion: None.
Vote: All ayes. Motion carried.

Ordinance No. 2019-37 (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. Vanni, seconded by Mr. Malta to waive the three readings of Ordinance No. 2019-37.
Discussion: None.
Vote: All ayes. Motion carried.

Motion by Mr. Reho, seconded by Ms. Turk to adopt Ordinance 2019-37.
Discussion: None.
Vote: All ayes. Motion carried.

Ordinance No. 2019-38 (Law Director) An Ordinance authorizing the approval of the collective bargaining agreement between the City of Willowick and the Willowick Firefighters Association, and declaring an emergency.

Motion by Mr. Reho, seconded by Ms. Turk to waive the three readings of Ordinance No. 2019-38.
Discussion: None.
Vote: All ayes. Motion carried.

Motion by Mr. Reho, seconded by Mr. Vanni to adopt Ordinance No. 2019-38.
Discussion: None.
Vote: All ayes. Motion carried.

Miscellaneous

Motion to refer to the Planning Commission a proposal from Larimar Development to amend the previously approved Final Development Plan for Larimar, Phase III for the construction of the Larimar pool and pool house at 30009 Lakeshore Blvd.

10-15-19 Referred to Planning Commission

NOTE: This motion is still with the Planning Commission.

Motion by Mr. Malta, seconded by Mr. Pintar to authorize a purchase order to Concord Road Equipment for a 10' snow plow for the new five-ton dump truck in the amount of \$10,617.57.

Discussion: None.

Vote: All ayes. Motion carried.

Motion by Mr. Pintar, seconded by Ms. Turk to appoint Councilman Malta and Councilman-Elect Phares to serve on the Board of the Volunteer Firefighters Dependents Fund Board upon swearing in.

Discussion: None.

Vote: All ayes. Motion carried.

Public Participation

Bryon White of 30550 Willow Lane inquired what cuts are being discussed following the failed income tax levy and if there is going to be a meeting about it. Mr. Vanni said it had been mentioned that there might be a joint Budget/Finance Committee meeting prior to the budget hearings, but he was not sure if it was needed before then. The Mayor had some items he needs to discuss with the Finance Director. If it does happen, it would most likely be December 3. There would be the normal public notification as dictated by the Sunshine Laws if a meeting were set.

Dee Logan of 327 Blissfield asked Council members what the reasons or factors were for granting the two variances she had addressed previously. She feels that it is a neighbor-to-neighbor issue. Mr. Patton said that he voted for it because it didn't seem unreasonable. There is a high solid fence at the back of his property line and he does not have an issue with it even though it is not his fence. Mr. Vanni concurred and said that similar variances have been granted a number of times in the past.

Adjournment

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

Vote: All ayes. Motion carried.

The meeting adjourned at 8:39 p.m.



PRESIDENT OF COUNCIL

ATTEST: *Sueann K. Wrooth*
CLERK OF COUNCIL