

MINUTES

REGULAR COUNCIL MEETING

8:10 p.m.

April 3, 2007

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on March 30, 2007:

ROLL CALL

Councilmen Present: Mr. Cox, Mr. Black, Mr. Fiala, Mr. Harrold, Mr. Ranally, Mrs. Manning, Mr. Woodin

Others Present: Mayor Anderson, Law Director Wiles, Service Director Tomaselli, City Engineer Sayles, Fire Chief Zwegat, Police Chief Straube, Chief Building and Zoning Commissioner Smith, Finance Director Rogowski, Parks and Recreation Director Katz, Clerk Radebaugh

The meeting was led in prayer and the Pledge of Allegiance by President Cox.

Approval of Minutes

Motion made and seconded to approve the Regular Council minutes of March 20, 2007.

Roll Call: 6 yes
 1 Abstain (Manning)
 0 no

Motion carried 6 to 0

PUBLIC HEARING – 8:15 P.M.- Continued from 2/6/07 Public Hearing

The legal notice for the rezoning request for Frank Daddario for property at 37231 Euclid Avenue to be rezoned from Retail Business to Manufactured Home Park, from Retail Business to General Business and from Manufactured Home Park to General Business was read in its entirety at the February 6, 2007 meeting.

THOSE SPEAKING IN FAVOR OF THE PROPOSAL

No One

THOSE SPEAKING IN OPPOSITION TO THE PROPOSAL

Brian Conley, Orchard Grove Trailer Park, Lot #34 – Residents are here tonight to hear Mr. Daddario's new proposal, but Mr. Daddario is not here. He is concerned about traffic, storm water and sewers.

Sandy Samac, Orchard Grove Trailer Park, Lot #45 – A new development would make the traffic problem worse. Residents have not heard from Mr. Daddario.

Councilman Ranally said that some of the homeowners who will be displaced have not received a written notice from Mr. Daddario assuring them of another location. Mr. Daddario said at Planning Commission that he had an agreement with the residents to move them to another location in the mobile home park. He has not kept his word.

STANDING COMMITTEES OF COUNCIL

Committee of Full, Mr. Cox – We had a short meeting this evening.

Economic Development Committee, Mr. Black – No report.

Environmental Planning Committee, Mr. Ranally – There were three items on the agenda tonight. We are recommending one item for approval.

Finance and Audit Committee, Mr. Ranally – There are several items on the agenda tonight that pertain to the city's operation and budget.

Parks & Recreation Committee, Mr. Woodin – No report.

Personnel Committee, Mr. Harrold – No report.

Safety Committee, Mr. Black – No report.

Service Committee, Mrs. Manning – There will be a Service Committee meeting before the next Council meeting.

WPCC Committee, Mr. Harrold – No report.

Clean City Commission, Mr. Cox – We will meet next week.

Planning Commission, Mr. Fiala – No report.

Shade Tree Commission, Mrs. Manning – No report.

CORRESPONDENCE

The Clerk read a letter from Edward T. Figler, 4750 Figgie Dr., regarding the 2007 Road Program and the list of streets that are currently recommended for repair. Mr. Figler strongly urged council to put Figgie Drive at the top of the priority list for resurfacing and asked that patch repairs be made if the bidding is to take a few weeks. (The full text of this letter can be read in the clerk's office.)

PUBLIC PORTION

No one spoke

OLD BUSINESS**RESOLUTION NO. 2007-9**

A Resolution approving EAS#16-12-06 for the rezoning of real property located at 37231 Euclid Avenue from Manufactured Home Park (MH-P) to General Business (G-B) and from Retail Business (R-B) to Manufactured Home Park (MH-P) and for construction of a building at said location (Danny's Organic Market).

Motion made and seconded to remove Resolution No. 2007-9 from the table.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to Permanently Table Resolution No. 2007-9.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

ORDINANCE NO. 2007-10

An Ordinance amending the zone map of the City of Willoughby, Ohio, to reclassify 0.1894 and 0.2164 acres of real property identified as portions of Permanent Parcel No. 027A-016-00-009-0 from Retail Business (R-B) to Manufactured Home Park (MH-P) and from Retail Business (R-B) to General Business (G-B), respectively; and 0.4890 acres of a portion of Permanent Parcel No. 027A-016-00-014-0, from Manufactured Home Park (MH-P) to General Business (G-B); said real property is located at 37231 and 37223 Euclid Avenue aka Orchard Grove Trailer Park.

Motion made and seconded to remove Ordinance No. 2007-10 from the table.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to Permanently Table Ordinance No. 2007-10.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-26

A Resolution approving EAS#1-1-07 for the rezoning of real property located at 37231 Euclid Avenue from Manufactured Home Park (MH-P) to General Business (G-B) and for construction of a building at said location (Danny's Organic Market).

Motion made and seconded to remove Resolution No. 2007-26 from the table.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to Permanently Table Resolution No. 2007-26.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

ORDINANCE NO. 2007-27

An Ordinance amending the zone map of the City of Willoughby, Ohio, to reclassify 0.1879 acres of real property identified as a portion of Permanent Parcel No. 027A-016-00-014-0, from Manufactured Home Park (MH-P) to General Business (G-B); said real property is located at 37223 Euclid Avenue (Orchard Mobile Home Trailer Park).

Motion made and seconded to remove Ordinance No. 2007-27 from the table.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to Permanently Table Ordinance No. 2007-27.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

NEW BUSINESS

Motion made and seconded that all ordinances and resolutions be read by caption only and that as to legislation not containing an emergency clause, the rules requiring that ordinances and resolutions be read on three separate days be waived.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-32

A Resolution approving EAS#3-2-07 for construction of an addition to the existing building located at 36195 Euclid Avenue (Target)

Motion made and seconded to adopt Resolution No. 2007-32.

Roll Call: 7yes
0 no

Motion carried 7 to 0

ORDINANCE NO. 2007-33

An Ordinance providing for the Manning Levels and Compensation of elected and appointed officials and salaried and non-union employees of the City of Willoughby, Ohio; repealing any and all other ordinances or parts thereof which may be inconsistent herewith or which may be redundant hereto; and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2007-33 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2007-33

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-34

A Resolution approving an agreement between the American Federation of State, County, and Municipal Employees, AFL-CIO, Local 1657, and Ohio Council 8, and the City of Willoughby, Ohio, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-34 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-34

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-35

A Resolution approving an agreement between the International Association of Firefighters, Local 2291, AFL-CIO, and the City of Willoughby, Ohio, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-35 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-35

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-36

A Resolution approving an agreement between the Willoughby Part-Time Firefighter Association and the City of Willoughby, Ohio, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-36 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-36

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-37

A Resolution approving an agreement between the Ohio Patrolmen's Benevolent Association (Police Sergeants and Lieutenants) and the City of Willoughby, Ohio, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-37 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-37

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-38

A Resolution approving an agreement between the Ohio Patrolmen’s Benevolent Association (Police Officers below the rank of Sergeant) and the City of Willoughby, Ohio, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-38 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-38

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-39

A Resolution approving an agreement between the Ohio Patrolmen’s Benevolent Association (Communication Clerks, Lead Communication Clerks & Communication Operators) and the City of Willoughby, Ohio, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-39 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-39

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Note: Mayor Anderson, Police Chief Straube, Fire Chief Zwegat, Recreation Director Katz, and Finance Director Rogowski left the meeting to sign the union contracts.

RESOLUTION NO. 2007-40

A Resolution authorizing the Mayor to enter into a contract with Bill Suglia Excavating in the amount of \$62,200.85 for implementation of the Church Street Storm Sewer Project.

Motion made and seconded to adopt Resolution No. 2007-40.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-41

A Resolution authorizing the City Engineer to prepare plans and specifications and to advertise for bids for the 2007 Pavement Repair Program.

Discussion: Councilman Ranally asked for further review and discussion of the streets on this list.

Motion made and seconded to adopt Resolution No. 2007-41.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-42

A Resolution authorizing the City Engineer to prepare plans and specifications and to advertise for bids for the State Route 91 Slope Stabilization Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-42 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-42

Roll Call: 7 yes
0 no

Motion carried 7 to 0

ORDINANCE NO. 2007-43

An Ordinance changing the name of a street within Melrose Farms Subdivision from Honey Crisp Court to Steve Guard Court.

Motion made and seconded to pass Ordinance No. 2007-43.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-44

A Resolution authorizing the Mayor to enter into a contract with Tomaro Construction Company, Inc. for the 2007 Voluntary Concrete Sidewalk Repair & Replacement Program with the city's option for a one- (1-) year renewal of the contract in 2008 .

Motion made and seconded to adopt Resolution No. 2007-44

Roll Call: 7 yes
0 no

Motion carried 7 to 0

MAYOR'S REPORT – Mayor Anderson left the meeting earlier to sign the union contracts.

OTHER REPORTS

Law Director Wiles – Reported that the A T & T box will be moved off of Erie Road by November 30th. This will be about a \$100,000 plus project.

Councilman Woodin asked if Mr. Wiles received an email regarding the retention basin at North Bay. Mr. Wiles said he received an email saying that the Homeowner's Association is anticipating giving the retention basin back to the developers. He does not think this can be accomplished. Mr. Woodin referred to the Ward Creek Study that indicated that the retention basin had no effect on the water level. Mr. Sayles said that by eliminating the retention basin, the flooding would increase by 1/10th of a foot. He presented some options to help prevent flooding. Mr. Woodin commented that the residents would like to abolish the Homeowner's Association. Without the retention basin they feel they would not have to worry about the association.

A resident of North Bay (in the audience) informed Council that phase 1 and 2 does not communicate with phase 3 and 4. He said there needs to be communication to accomplish anything.

Service Director Tomaselli – Reported that yard waste pick up has started. Crack sealing was started on Lakeshore Blvd. All main streets will be done. He commented that he has come up with a policy for storm ditches.

Mrs. Manning asked the status of recycling. Mr. Tomaselli said he has been talking to Frank at World Resources. A curbside recycling program has been started in Wickliffe where recycling is picked up every other week at a cost of \$30.00 a year to the resident. Mr. Tomaselli said he is pursuing this program with World Resources. Our allocation with the county is \$86,000 and anything we do over that amount would be paid out of our budget. Mr. Cox asked if CT Consultants and the County could put together a summary of what the current status on recycling is for all the communities in Lake County.

City Engineer Sayles – SOM Center Road from Euclid Ave. to Eastlake will be resurfaced later this year. Willoughby will pay 20% of the cost. Lake County Utilities will be applying for Issue 2 funds in May for the water mains on Robinhood and Kilarney. Weather permitting, curb work could be done on the Mentor Avenue project next week. The Marous Brothers Riverwalk Project is moving ahead. Marous is evaluating the cost to run the water main along the railroad track.

Councilman Fiala asked when Mr. Sayles would be finished with the city wide master plan for paving repairs. Mr. Sayles said he will have this plan prepared by the end of this summer.

Fire Chief Zwegat – Chief Zwegat left the meeting to sign the union contracts.

Police Chief Straube-. Chief Straube left the meeting to sign the union contracts

Chief Building and Zoning Inspector Smith– No report. Mr. Cox asked if Mr. Smith had a chance to get information together regarding the recent Lithuanian Home's proposal regarding a lot split and also what the zoning was when it was first built. Discussion followed regarding the current proposal for congregate living. Law Director Wiles said his

department will be submitting a definition of congregate living at the next Planning Commission meeting.

Parks & Recreation Director Katz – Mr. Katz left the meeting to sign the union contracts

Finance Director Rogowski- Mr. Rogowski left the meeting to sign the union contracts.

COUNCILMEN

Mr. Woodin – Complimented Mr. Katz on the Easter Egg Hunt. He was impressed with the turnout.

Mr. Fiala – Asked Mr. Tomaselli to call him with the date of the meeting to discuss the ditches with the residents on Bell Road.

Mr. Ranally – No report.

Mrs. Manning – Will be having a Ward meeting in June.

Mr. Harrold – No report.

Mr. Black – No report.

Mr. Cox – No report.

Regular Council Meeting adjourned at 9:15 p.m.

Date approved _____

Clerk of Council

Charles W. Cox, President

David E. Anderson, Mayor