

MINUTES

REGULAR COUNCIL MEETING

8:30 p.m.

June 12, 2007

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on June 8, 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 Inspector Smith, Parks and Recreation Director Katz, Deputy Finance Director Bosley, Lake County Gazette Reporter Vanderville, Clerk Radebaugh

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

Approval of Minutes

Motion made and seconded to approve the Regular Council minutes of May 15, 2007.

Roll Call: 7 yes
 0 no

Motion carried 7 to 0

FIRE DEPARTMENT - Swearing In and Awards Presentation

Firefighter Tim Gamiere was introduced by Fire Chief Zwegat and sworn in by Mayor Anderson. Firefighter Michael Dorsey was awarded the Firefighter of the year award for 2006. Fire Marshal Mike Kocab was the recipient of the 2006 Chief's Achievement Award.

STANDING COMMITTEES OF COUNCIL

Committee of Full, Mr. Cox – No report.

Economic Development Committee, Mr. Black – No report.

Environmental Planning Committee, Mr. Ranally – There is one item on the agenda that the committee is recommending for approval.

Finance and Audit Committee, Mr. Ranally – No report.

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

Personnel Committee, Mr. Harrold – No report.

Safety Committee, Mr. Black – No report.

Service Committee, Mrs. Manning – No report.

WPCC Committee, Mr. Harrold – No report.

Clean City Commission, Mr. Cox – No report – the meeting was cancelled.

Planning Commission, Mr. Fiala – No report.

Shade Tree Commission, Mrs. Manning – No report.

CORRESPONDENCE

No correspondence

PUBLIC HEARING

The clerk read the following notice for a Public Hearing to be held on the proposed text change to the Planning and Zoning Code: Amending Chapter 1103 of the Codified Ordinances of the City of Willoughby, Ohio, entitled, "Definitions", specifically, Section 1103.03, entitled, "Definitions of General Terms" by adding a definition for "Congregate Living Facility".

THOSE SPEAKING IN FAVOR

Donna Cypkus, Manager of the Lithuanian Center – Commented that this definition is needed in order to go forward with another 40 unit building. Wanted to make sure the definition said "Congregate Living Facility".

Colleen Cahill – Agreed with the wording as written.

THOSE SPEAKING IN OPPOSITION

Dave Yohe, 34250 Beacon Dr - Wanted to make sure this amendment does not open it up to anyone who wants to go into an apartment building and call it congregare living.

John Minarich, 34300 Beacon Dr. – Agrees with Mr. Yohe

THOSE SPEAKING IN REBUTAL IN FAVOR

No one

Council President Cox referred to a Public Hearing to be held by the Planning Commission on conditional use permits for the Lithuanian Center. He asked Mrs. Cypkus if the lots were going to be split. Mrs. Cypkus said there will only be one lot. Mr. Cox said if the lot is split, they will have to come back to start over again. Mrs. Cypkus said she understood this,

Councilman Fiala stated that the purpose of this amendment is because there was no definition for congregare living facility. It is not for the purpose to allow the 40 units to be built. Planning Commission will discuss the 40 units at their meeting on Thursday.

PUBLIC PORTION

Gladys Lemieux, 37551 Second Street – Complaint about properties at 4080, 4082 and 4074 Skiff Avenue draining water onto her property. She has complained to Building Dept., but they have not found the property owner in violation. Wants the codes enforced. Mr. Smith will look at Mrs. Lemieux's property to determine any violations.

Councilman Ranally asked Mr. Smith to advise him in a memo when this is resolved.

Victor Lemieux, 37551 Second St. – Complaint about neighbor draining their pool onto his property.

Robert Ritt, 37559 Second St. – Problem with water on his property from same neighbor on Skiff Avenue. This neighbor also cut down Mr. Ritt's privacy bushes and a tree.

Joe Prankas, 37535 Second St. – Water problem on his property also.

Steve Underwood, 38595 and 38575 Adkins Rd. – Has water problem on his property since a new development went in behind him. Has had water in his house and garage floor has heaved up and cracked.

Peggy Bennett, 38721 Adkins Rd. – Has water problems she feels are caused by the development being built higher than her property.

Mr. Smith commented that the residents on Adkins can get an easement and can connect into the drains that are on the developer's property. Mr. Smith has advised the residents of this solution before. He said every property in the development has been graded to the drains that were put in. There has been no increase in the water on the Adkins Road property.

Mr. Sayles said that the properties on Adkins had water problems before the development was put in. A grading problem existed on the Adkins property before the development. There was nothing that could be done in the new development to resolve that problem. The sewers were made big enough so that the residents on Adkins could connect into the Woodlands sewer system. Mr. Sayles said the solution to the problem is that the residents on Adkins need yard drains.

James Keener, 38692 Adkins Rd. – Has same water problem on his property. Also blames the new development. Has more water than they ever did in the past.

Resident, 1187 Brookline Place – Asked if the vehicles on the agenda tonight had gone through competitive bidding and why the city did not buy 2007 vehicles instead of 2008 to save money.

Mr. Cox explained that these vehicles are purchased through state bid which saves the city money.

OLD BUSINESS

RESOLUTION NO. 2007-57

A Resolution approving EAS#9-4-07 for the proposed Chagrin River Walk Project, a mixed use of residential, retail, and office development, which is bounded on the south by Mentor Avenue, north by Norfolk Southern Railroad, east by Kirtland and Pelton Road, and west by the Chagrin River.

Motion made and seconded to remove Resolution No. 2007-57 from the table.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-57.

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

ORDINANCE NO. 2007-61

An Ordinance amending Chapter 1103 of the Codified Ordinances of the City of Willoughby, Ohio, entitled, "Definitions"; specifically, Section 1103.03, entitled, "Definitions of General Terms".

Motion made and seconded to pass Ordinance No. 2007-61.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-62

A Resolution authorizing the Director of Finance to transfer funds from the General Fund to various other funds, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-62 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-62.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-63

A Resolution authorizing the Mayor to enter into an agreement with the Ohio Association of Public Treasurers and Integrated Consulting Services Ltd. in an amount not to exceed \$13,899 necessary to the City's Workers' Compensation Group Rating Plan, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-63 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-63.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-64

A Resolution honoring Susan M. Hinkle for her 36+ years of dedicated service to the City of Willoughby.

Motion made and seconded to adopt Resolution No. 2007-64

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-65

A Resolution authorizing the Mayor to enter into a contract with J.D. Striping & Services in the amount of \$55,458 for the 2007 Highway Pavement Lane Marking Project.

Motion made and seconded to amend Resolution No. 2007-65 to read in Section 1, \$55,458 instead of \$48,225.20.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-65 as amended.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-66

A Resolution authorizing the City Engineer to prepare plans and specifications and to advertise for bids for the Ridge Road/Breckenridge Slope Repair Project, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-66 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-66.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-67

A Resolution authorizing an expenditure in the amount of \$21,433.99 for the purchase of one (1) 2008 Ford Pickup Truck, with snowplow, from Mike Bass Ford through the State of Ohio Cooperative Purchasing Program; said vehicle for use by the Parks & Recreation Department, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-67 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-67.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-68

A Resolution authorizing an expenditure in the amount of \$20,330 for the purchase of two (2) 2008 GMC Canyon Pickup Trucks (base price of \$10,165 each) from Bob Ross Buick through the State of Ohio Cooperative Purchasing Program; said vehicles for use by the Building Department; and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-68 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-68.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-69

A Resolution authorizing an expenditure in the amount of \$16,397.85 for the purchase of one (1) 2008 Chevrolet Impala from Bob McDorman Chevrolet, Inc. through the State of Ohio Cooperative Purchasing Program; said vehicle for use by the Building Department; and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-69 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-69.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-70

A Resolution authorizing an expenditure in the amount of \$16,627 for the purchase of one (1) 2008 Model No. 898628 Cushman Turf Truckster 4-Wheeler from Baker Vehicle Systems, Inc. through the State of Ohio Cooperative Purchasing Program; said vehicle for use by the Cemetery Department; and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-70 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-70.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-71

A Resolution authorizing an expenditure in the amount of \$11,641.50 for the purchase of one (1) 2008 Jet Cam 1200 from Jack Doheny Supplies through the State of Ohio Cooperative Purchasing Program; said Jet Cam for use by the Sewer Department; and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-71 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-71.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-72

A Resolution authorizing an expenditure in the amount of \$34,392.99 for the purchase of one (1) 2008 Ford F-450 Utility Van from Mike Bass Ford through the State of Ohio Cooperative Purchasing Program; said vehicle for use by the Sewer Department; and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-72 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-72.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-73

A Resolution authorizing an expenditure in the amount of \$93,484.72 for the purchase of one (1) 2008 Hyundai Wheeler Loader (base price of \$108,484.72 minus a trade in amount of \$15,000 for one (1) 1998 John Deere Loader) from the McLean Company through the State of Ohio Cooperative Purchasing Program; said vehicle for use by the Street Department; and declaring an emergency.

Motion made and seconded to amend Resolution No. 2007-73 to change 1998 John Deere Loader to 1988 John Deere Loader in the caption, in the second whereas and in Section 1.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-73 be declared an emergency measure as amended.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-73 as amended.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-74

A Resolution authorizing an expenditure in the amount of \$34,392.99 for the purchase of one (1) 2008 Ford F-450 Utility Van and \$24,459.99 for one (1) 2008 Ford F-250 4x4, for use by the Traffic Department, and \$39,356.99 for one (1) 2008 Ford F-550 Pickup Truck for use by the Street Department; all three (3) vehicles to be purchased from Mike Bass Ford through the State of Ohio Cooperative Purchasing Program; and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-74 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-74.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-75

A Resolution authorizing the Mayor to enter into a contract with Myers Equipment Corporation in the amount of \$116,140, with trade in, and including options/alternates "A, C, D, E, F, G, J, M, N" of the specifications, for the purchase of one (1) 2007 #5500 Chevrolet Supreme 102" wide Tourliner Bus to be used by the Willoughby Senior Center.

Motion made and seconded to adopt Resolution No. 2007-75.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-76

A Resolution authorizing the Mayor to expend an amount of \$8,156 (base price of \$40,780 minus Grant Award of \$32,624) for the purchase of four (4) Stryker Power Pro Cots from PharMed Corporation; said cots for use by the Willoughby Fire Department; and declaring an emergency.

Motion made and seconded to amend Resolution No. 2007-76 as follows: In the caption, change \$8,156 to \$6,906, after the amount of \$32,624 add the words "minus \$1,250 for the trade in of five (5) cots". A Whereas paragraph will be added to read "five (5) City-owned cots are no longer needed for public purposes and the Pharmed Corporation has offered to purchase such cots from the City for \$1,250; and"... Additionally, the existing Whereas paragraph will be amended to change the amount of \$8,156 to \$6,906. Section 1 will be amended to change the amount of \$8,156 to \$6,906 and to add the language "minus \$1,250 for the trade in of five (5) cots).

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-76 be declared an emergency measure as amended.

Roll Call: 7yes
0 no

Motion carried 7to 0

Motion made and seconded to adopt Resolution No. 2007-76 as amended.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

ORDINANCE NO. 2007-77

An Ordinance authorizing the Mayor to enter into an agreement with the Ohio Department of Transportation and requesting the cooperation of the Director of the Ohio Department of Transportation for the upgrading of the traffic signal at the intersection of Vine Street (S.R. 640) and East 364th Street, located in the City of Eastlake and the City of Willoughby, Lake County, Ohio; and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2007-77 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2007-77.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-78

A Resolution amending Resolution 2007-30 to make appropriations for current expenses and other expenditures of the City of Willoughby, Ohio, during the period ending December 31, 2007, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-78 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-78.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

ADDENDUM

RESOLUTION NO. 2007-79

A Resolution authorizing the Mayor to enter into a Video Competition Agreement with the Ohio Bell Telephone Company, aka AT&T Ohio, and declaring an emergency.

Motion made and seconded to table Resolution No. 2007-79.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2007-80

A Resolution approving Change Order No. 1-Final in the Erie Street Sanitary and Storm Sewer Improvement Project with Monte Construction Co., Inc. and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2007-80 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2007-80.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

MAYOR'S REPORT – No report

OTHER REPORTS

Law Director Wiles – No report. Councilman Woodin explained that someone is going to build on property on North Beachview and the city owns property between this property and the lake. The builder has been told that he does not have to put in a break wall. Mr. Woodin asked if the city would be liable with ODNR if the land starts to erode. Mr. Wiles said the city would not be liable.

Service Director Tomaselli – Appreciates the vehicles for the various departments. He explained the process of purchasing vehicles through the state for the gentleman who had questions at the public portion.

Mrs. Manning asked about the crosswalk that used to be by the Jehovah Witness building but is now gone. The Mayor answered that there used to be a traffic signal there, but it was eliminated in the Vine Street Project.

Mr. Harrold said he received a call asking when the arrows would be painted in front of Bob Evans. Mr. Tomaselli said the striping was just approved tonight. This work will be done this week.

City Engineer Sayles – The 2007 Road Program should start next week with Karvo Paving. Karvo is slow on the Rt. 20 project, but they are on schedule. Mayor Anderson said he talked to Karvo's president. He will talk to the foreman and get back to the Mayor tomorrow.

Fire Chief Zwegat – Thanked Council for the passage of the legislation for the Stryker cots. Also thanked Council for allowing him to make the awards presentation and swearing-in tonight. Assistant Chief Malinowski has announced his retirement for after the first of the year.

Police Chief Straube- No report.

Chief Building and Zoning Inspector Smith- Thanked Council for the passage of the legislation for the Building Department vehicles. Councilman Woodin asked if there were any bids on a certain demolition project. Mr. Smith said he had four bids,

Parks & Recreation Director Katz – Appreciates the passage of legislation for the pick up truck for the Parks and Recreation Dept. and the bus for the seniors. Reported that their office did 600 transactions yesterday; 90% were swimming pool passes.

Deputy Finance Director Bosley- No report.

COUNCILMEN

Mr. Woodin – No report.

Mr. Fiala – No report.

Mr. Ranally – No report.

Mrs. Manning – Thanked Mayor Anderson, Mr. Sayles, Mr. Ranally and Mr. Katz for attending her ward meeting. Forty-eight people attended.

Mr. Harrold – Thanked Mayor Anderson for the help he gave him at the Emerald Village Apartments dealing with the owner. One dumpster is completely enclosed with evergreen trees and the other has been moved back.

Mr. Black – No report.

Mr. Cox – No report.

Regular Council Meeting adjourned at 10:10 p.m.

Date approved _____

Clerk of Council

Charles W. Cox, President

David E. Anderson, Mayor