

# MINUTES REGULAR COUNCIL MEETING

8:10 p.m.

September 16, 2008

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on September 12, 2008:

## ROLL CALL

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

**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, Finance Director Rogowski, Clerk Radebaugh

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

Council President Ranally deviated from the regular agenda and went to the New Business Agenda.

## 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. 2008-128

**A Resolution honoring and commending South High School Principal Paul Lombardo, Assistant Principal Jeff Lyons, and Assistant Principal Trista Warren for their efforts during a potentially life-threatening situation.**

Motion made and seconded to adopt Resolution No. 2008-128

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

Mayor Anderson read Resolution No. 2008-128 in its entirety. On behalf of the city, Mayor Anderson presented framed resolutions to South High School Principal Paul Lombardo, Assistant Principal Jeff Lyons and Assistant Principal Trista Warren.

Mr. Lombardo accepted the resolution on behalf of the South High School family, the students, staff and community. He thanked everyone for being so supportive. Mr. Lyons and Ms. Warren also thanked everyone.

Council President Ranally continued the regular council agenda.

**Approval of Minutes**

Motion made and seconded to approve the Regular Council minutes of September 2, 2008.

Roll Call           7 yes  
                          0 no

Motion carried 7 to 0

**STANDING COMMITTEES OF COUNCIL**

**Committee of Full Council, Mr. Ranally** – We met this evening to discuss three items – gas wells, highway reconstruction plan and the amendment to the Homeowner’s Exception.

**Economic Development Committee, Mr. Black** – No report.

**Environmental Planning Committee, Mr. Fiala** – No report.

**Finance and Audit Committee, Mrs. Manning** – No report.

**Parks & Recreation Committee, Mr. Harrold** – No report.

**Personnel Committee, Mr. Carr** – No report.

**Safety Committee, Mr. Black** – No report.

**Service Committee, Mr. Woodin**– Reported that he will be meeting with Mr. Tomaselli regarding looking at the sidewalks on SOM Center.

**WPCC Committee, Mr. Harrold** – Reported that this evening we discussed putting in a gas well on the WPCC property.

**Clean City Commission, Mr. Ranally** – We met last Monday. We are still doing the clean up on Sundays.

**Planning Commission, Mr. Fiala** – No report.

**Shade Tree Commission, Mr. Carr** – Shade Tree did win the float award.

**CORRESPONDENCE**

No correspondence

**PUBLIC PORTION**

**John Siracusa, 5267 Chestnut Hill** – Thanked Chief Zwegat and Chief Straube for sending over people to answer questions at their Ridge Acres Civic Association annual picnic. Thanked Mr. Katz for providing a tent, tables and a grill.

Councilman Harrold told Mr. Siracusa that he should meet with Mr. Tomaselli regarding the size of the “Welcome to Ridge Acres” signs he will be replacing.

**Jim Carpenter, 3791 Harlow Dr** – Thanked those in the city that helped with the situation at the school.

Asked when the grass and tree lawn will be restored now that repaving and new curbs are done. Mr. Sayles said he and Mr. Tomaselli will talk to the contractor to non-perform this work because of the leaf season approaching. Either the city can do the work or can hire a landscaper.

## **OLD BUSINESS**

### **RESOLUTION NO. 2008-126**

**A Resolution authorizing the Mayor to enter into a contract with Perk Company, Inc. in the amount of \$407,347 for implementation of the Ridge Road and Breckenridge Retaining Wall Improvements Project.**

Motion made and seconded to remove Resolution No. 2008-126 from the table.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2008-126

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

## **NEW BUSINESS - continued**

### **RESOLUTION NO. 2008-129**

**A Resolution amending the meeting schedule of the Council of the City of Willoughby, Ohio, for the month of November, 2008.**

Motion made and seconded to adopt Resolution No. 2008-129

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

### **RESOLUTION NO. 2008-130**

**A Resolution urging the residents of the City of Willoughby to support Issue 19, The Children Services Renewal Levy, at the General Election on November 4, 2008.**

Motion made and seconded to adopt Resolution No. 2008-130

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

### **RESOLUTION NO. 2008-131**

**A Resolution accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary tax levies, certifying same to the Lake County Auditor, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2008-131 be declared an emergency measure.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2008-131.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

**ORDINANCE NO. 2008-132**

**An Ordinance providing for the issuance and sale of \$1,610,000 Notes, in anticipation of the issuance of bonds, to pay costs of improving and equipping a Municipal Golf Course together with the necessary buildings and facilities appurtenant thereto, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2008-132 be declared an emergency measure.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2008-132.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

**ORDINANCE NO. 2008-133**

**An Ordinance providing for the issuance and sale of \$5,200,000 Notes, in anticipation of the issuance of bonds, to pay the property owners' portion, in anticipation of the levy and collection of special assessments, of costs of improving the Riverside Commons property identified and described in Resolution No. 2002-134, adopted July 9, 2002, by grading, draining, curbing, and paving, constructing sidewalks and driveway approaches, and constructing sanitary/storm sewers and water lines, and otherwise improving the same in the manner provided in the aforesaid Resolution No. 2002-134 and otherwise improving the same, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2008-133 be declared an emergency measure.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2008-133.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

**RESOLUTION NO. 2008-134**

**A Resolution authorizing the Mayor to enter into a one- (1-) year contract with Waste Management of Ohio, Inc. for the collection and disposal of solid waste from apartment properties in the City of Willoughby, and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2008-134 be declared an emergency measure.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2008-134.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

**ORDINANCE NO. 2008-135**

**An Ordinance authorizing the sale of .6 acres of City-owned real property located on Willoughby Parkway, and further identified as a portion of Permanent Parcel No. 27B-050-G-00-035-0, to Busy Squirrel Properties, LLC. without public bidding, for the sum of fifty-five thousand dollars (\$55,000); and declaring an emergency.**

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2008-135 be declared an emergency measure.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2008-135.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

**ORDINANCE NO. 2008-136**

**An Ordinance accepting the Final Plat for Willow Creek Subdivision.**

Motion made and seconded to pass Ordinance No. 2008-136.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

**ORDINANCE NO. 2008-137**

**An Ordinance authorizing the Mayor to enter into a contract with Hamann Construction Company in the amount of \$353,988.60 to provide the services necessary for renovating and upgrading the communication system in the Willoughby Police Station without public bidding, superseding Chapter 153 of the Ohio Revised Code, implementing the Home Rule Provision of the Charter of the City of Willoughby, and declaring an emergency.**

Motion made and seconded to table Ordinance No. 2008-137.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

**RESOLUTION NO. 2008-138**

**A Resolution authorizing the Mayor to negotiate and execute a contract with Joseph L. Myers, Architect, Inc. to prepare the plans and specifications necessary for the renovation of the municipal building located at 1 Public Square, Willoughby, Ohio.**

Motion made and seconded to adopt Resolution No. 2008-138.

Roll Call: 7 yes  
0 no

Motion carried 7 to 0

**MAYOR'S REPORT** – Thanked Council for the resolution for the South High Administrators. Reported that he received a letter from the President of the Board of Education commending the city's people on what a great job they did.

Councilman Carr asked the Mayor if he discussed the retention basin at Franklyn Commons at the staff meeting this week. Mayor Anderson said it was discussed and they concluded that a couple of retention basins need to be looked at to determine what the city's obligation is. Work has been done by the Sewer Department making sure debris is gone. Next year the city will have to look at dredging and what else needs to be done plus the funds available. Mr. Carr asked if the retention basin at Big Turtle II could be looked at because it seems to be the most overgrown. Mayor Anderson said this would be done.

### **OTHER REPORTS**

**Law Director Wiles**— Reported that litigation for the accident that occurred at the dam five or six year ago is still going on. He said that it will probably end up in a trial. He commented on the great job our defense counsel is doing for the city.

Councilman Woodin asked if the city's insurance has a clause the states that if the insurance company decides to settle before it goes to trial, the city has to settle. Mr. Wiles said that under our insurance the city has to approve the settlement.

**Service Director Tomaselli** – Reported that the city rented another chipper and three crews are out picking up debris caused by the high winds the other night. The crews will be out all this week.

Councilwoman Manning said she has not received a letter from the recycling company. She said that some people in her neighborhood have recycling on their lawns. Mr. Tomaselli said that the company said that they were going to send a letter out along with the customer's check, but this has not been done. He suggested that the residents call the company to get their check back.

Mr. Tomaselli reported that the first half of the water line on Stevens Blvd. has been tested and the second half will be tested tomorrow afternoon. Hydrants are in place and the tie-ins should start on Monday. Due to the condition of the gas line in that area, the gas company may want to put in a new gas line before the area is restored.

Councilman Woodin said that a tree is still down on South Eaglewood. Mr. Tomaselli said the Illuminating Company has been notified, but there is no time frame. Mayor Anderson said the Illuminating Company's best estimate is to have power restored by the end of the week. Mr. Woodin mentioned a resident on Iroquois who does not have power. He said that this is an ongoing problem for this resident. This problem will be looked at after the current problems are settled. Mr. Tomaselli commented that people should call in problems the frequently occur so there will be a record.

**City Engineer Sayles** – No report. Councilwoman Manning asked the status of River Street. Mr. Sayles said they have submitted their approval drawings of the materials. The date he heard is October 1<sup>st</sup>.

Councilman Carr asked if there was an update on when Rt. 84 will be closed. Mr. Sayles said the contractor will provide a schedule. They are allowed to have the road closed for 60 days. The city wants that to occur in the spring. Councilman Carr asked if the traffic study for SOM Center is close to completion. Mr. Sayles said it is and he will have a final report towards the end of this month.

**Fire Chief Zwegat** – No report.

**Police Chief Straube** – No report.

**Chief Building and Zoning Inspector Smith**–Thanked Council for their input on the amendment.

Councilman Woodin asked if Mr. Smith met with the gentleman on North Bay concerning his situation during a heavy rain. Mr. Smith said he looked at the neighbor's property and found that the extension of his downspout needs to be redirected towards his own yard. Notification was sent to the neighbor.

**Parks & Recreation Director Katz** – Reported that he is still waiting for the backboards to be installed at the basketball courts at Lincoln and Browning. The deadline is Monday. This year's Frontier Days was the last. There have been discussions to do something else around that time frame in the city along with the parade. Overall the attendance at the pools this year was up. Daily admissions were up. Councilman Harrold asked about the Ram Rod Busters. Mr. Katz said he met with them and they will be able to have a camp in Willoughby.

Councilman Woodin said that the residents were very appreciative of the clean up done at Osborne Park.

Councilman Black thanked Mr. Katz for looking into the incidents at the pool at the north end. The problem was mostly due to lack of supervision by the parents.

**Finance Director Rogowski** – Thanked Council for the legislation tonight. The notes will be sold a week from Thursday.

#### **COUNCILMEN**

**Mr. Woodin** – No report.

**Mr. Fiala** – No report.

**Mr. Carr** – No report.

**Mrs. Manning** – No report.

**Mr. Harrold** – No report.

**Mr. Black** – No report.

**Mr. Ranally**– No report.

**Regular Council Meeting adjourned at 9:10 p.m.**

Date approved \_\_\_\_\_  
Clerk of Council

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Jerome P. Ranally, Council President

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David E. Anderson, Mayor