

MINUTES

REGULAR COUNCIL MEETING

8:35 p.m.

December 2, 2008

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on November 26, 2008:

ROLL CALL

Council members Present: Ranally, Woodin, Harrold, Manning, Black, Carr

ABSENT: 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 Councilman Ranally

Approval of Minutes

Motion made and seconded to approve the Regular Council minutes of November 18, 2008.

Roll Call 6 yes
 0 no

Motion carried 6 to 0

STANDING COMMITTEES OF COUNCIL

Committee of Full, Mr. Ranally – No report.

Economic Development Committee, Mr. Black – No report.

Environmental Planning Committee, Mr. Fiala – Absent.

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

Parks & Recreation Committee, Mr. Harrold – We have a few items on the agenda tonight.

Personnel Committee, Mr. Carr – No report.

Safety Committee, Mr. Black – No report.

Service Committee, Mr. Woodin – No report.

WPCC Committee, Mr. Harrold – No report.

Clean City Commission, Mr. Ranally – The Christmas party will be next Monday.

Planning Commission, Mr. Fiala – Absent.

Shade Tree Commission, Mr. Carr – Reported that Shade Tree Commission Christmas party will be combined with the Clean City Commission's party.

CORRESPONDENCE - No correspondence.

PUBLIC PORTION – No one spoke at public portion.

OLD BUSINESS

RESOLUTION NO. 2008-154

A Resolution approving the fee schedule for the Willoughby Municipal Pool and Osborne Park Pool.

Motion made and seconded to remove Resolution No. 2008-154 from the table.

Roll Call: 5 yes
1 no (Carr) Motion carried 5 to 1

Motion made and seconded to amend Resolution No. 2008-154 to include the amended fee schedule as provided by Mr. Katz.

Roll Call: 5 yes
1 no (Carr) Motion carried 5 to 1

Motion made and seconded to adopt Resolution No. 2008-154 as amended.

Roll Call: 5 yes
1 no (Carr) Motion carried 5 to 1

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: 6 yes
0 no Motion carried 7 to 0

RESOLUTION NO. 2008-160

A Resolution declaring certain equipment no longer necessary to the operation of the Willoughby Fire and Police Departments as surplus, and authorizing said equipment to be sold without public auction.

Motion made and seconded to adopt Resolution No. 2008-160.

Roll Call: 6 yes
0 no Motion carried 6 to 0

ORDINANCE NO. 2008-161

An Ordinance amending Chapter 521 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Health, Safety and Sanitation"; specifically, Subsection 521.06 titled, "Duty to Keep Sidewalks in Repair and Clean."

Motion made and seconded to pass Ordinance No. 2008-161.

Roll Call: 6 yes
0 no

Motion carried 6 to 0

ORDINANCE NO. 2008-162

An Ordinance amending Chapter 1341 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Unsafe or Unsanitary Buildings"; specifically, Section 1341.03 titled, "Notice of Violation", and Section 1341.06 titled, "Noncompliance with Notice of Violation".

Motion made and seconded to pass Ordinance No. 2008-162.

Roll Call: 6 yes
0 no

Motion carried 6 to 0

RESOLUTION NO. 2008-163

A Resolution authorizing the City Engineer to prepare plans and specifications and to advertise for bids for the Daniels Park Streambank Stabilization Project.

Motion made and seconded to **permanently table** Resolution No. 2008-163.

Roll Call: 6 yes
0 no

Motion carried 6 to 0

RESOLUTION NO. 2008-164

A Resolution authorizing the Mayor to make application to the Northeast Ohio Areawide Coordination Agency for the purpose of acquiring federal-aid funds necessary to the shared-use path along SOM Center Road (S.R. 91), and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2008-164 be declared an emergency measure.

Roll Call: 6 yes
0 no

Motion carried 6 to 0

Motion made and seconded to adopt Resolution No. 2008-164.

Roll Call: 6 yes
0 no

Motion carried 6 to 0

ORDINANCE NO. 2008-165

An Ordinance authorizing Amendment No. 8 to Ordinance No. 2008-31, the Manning & Payroll Ordinance, relative to the Department of Parks & Recreation, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2008-165 be declared an emergency measure.

Roll Call: 6 yes
0 no

Motion carried 6 to 0

Motion made and seconded to pass Ordinance No. 2008-165.

Roll Call: 6 yes
0 no

Motion carried 6 to 0

MAYOR'S REPORT – Reported on the budget crisis in the State of Ohio. The Governor's budget initially showed a deficit over the next two year period of \$7 billion. If 10% was cut from everyone's budget it would result in a deficit of \$4 billion. Some legislators are calling for a cut in the Local Government Fund or doing away with the fund. The Local Government Fund amounts to about 10% of our General Fund income or \$2 million a year. Mayor Anderson said the Mayor and Managers of Northeast Ohio will be working on this.

Councilman Ranally referred to a resident's request regarding the flood plain. Mayor Anderson said the city has addressed this before, but he has referred this to Mr. Sayles for his analysis and recommendations.

OTHER REPORTS

Law Director Wiles – No report. Councilman Ranally referred to a memo sent to Council with information from Ben Sutton regarding the insurance coverage on the Schreiber vs the City of Willoughby case. Mr. Wiles said the case is still pending. Depositions are being taken.

Mr. Wiles said that the city has won the case regarding the sink hole on the corner of Mentor Ave. and Kirtland Road.

Service Director Tomaselli – Mr. Tomaselli passed out a spread sheet showing the areas where they have picked up leaves. The crews have been in every ward four times. He explained some of the problems encountered with trucks freezing up and with the snow. Leaf pick should be finished in a week. Yard waste is not being picked up.

The beet juice is now being used on the streets so we are using less salt.

Councilman Harrold commented that he is still getting calls from residents who have not had their check returned by World Resources. Mr. Tomaselli said the company has not cashed the checks. If the resident calls the company, they will send the check back.

Councilman Carr said he has received a lot of calls this last week regarding leaves. Residents are asking what to do with the bags when pickup stops. Mr. Carr suggested looking into extending the contract next year or officially making a statement to the residents regarding what to do with the bags. Mr. Carr also commented on the way crews are cycled for leaf pickup and thought there may be a better way. Mr. Tomaselli explained how the scheduling of the crews works. He commented that we have the same problems every year. He said that the best way is to bag the leaves and they are picked up every week.

City Engineer Sayles – Mr. Sayles said he and Mr. Tomaselli will be coming to council the beginning of January with the proposed road program. They hope to go out for bid early and start the road program in the spring.

Councilwoman Manning asked the status of the River Street Project. Mr. Sayles said they are finding pipes and sewers where there are no records or drawings. They are also running

into cross connection issues. Mr. Sayles said he doesn't believe we will be spending a lot of extra money because as a result of those problems we don't have to perform other work.

Fire Chief Zwegat – Announced that his department received a 2008 Assistance to Firefighters Grant in the amount of \$88,690. This will be used to install an AirVac in both of the stations. They also received a \$4000 State of Ohio EmS Grant. Chief Zwegat also reported that they refurbished both of the 1998 American LaFrance engines at a savings of about \$176,000 which is at no cost to the city.

Police Chief Straube - No report. Councilman Woodin said he has on-going complaints pertaining to musical instruments being played and annoying a resident during day time hours. He suggested having Mr. Wiles look at the noise ordinance to see if something could be added to give it more "teeth". He suggested wording stating that in residential areas you cannot have a band with amplifiers. Mayor Anderson said he felt that it would be very difficult to ban musical instruments. After some discussion, this issue will be discussed at a Safety Committee meeting.

Chief Building and Zoning Inspector Smith– Thanked Council for the amendment to Chapter 1341.

Parks & Recreation Director Katz – The Christmas Tree lighting will be this Thursday along with the spaghetti dinner and the auction.

Finance Director Rogowski – Will have legislation at the next meeting for Temporary Appropriations, Final Appropriations for 2008 and possible transfers.

COUNCILMEN

Mr. Woodin – No report.

Mr. Fiala – Absent.

Mr. Carr – No report.

Mrs. Manning – No report.

Mr. Harrold – No report.

Mr. Black – No report.

Mr. Ranally – Reported that Council has to elect two members to the Volunteer Fire Fighters' Dependents Fund Board.

Motion made and seconded to elect Jerry Ranally and Karen Manning to the VFFDFB.

Roll Call: 6 yes
0 no

Motion carried 6 to 0

Regular Council Meeting adjourned at 9:35 p.m.

Date approved _____

Clerk of Council

Jerome P. Ranally, Council President

David E. Anderson, Mayor